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Presidentialism in Contemporary France:

De Gaulle and Mitterrand

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Re-submitted 25 April 2001

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ACKNOWLEDGEMENTS

I would like to acknowledge the AHRB's financial support for this project. I would also like to thank Louis Mermaz, Claude Cheysson and Camille Cabana for taking time out of their busy schedules to be interviewed by a humble British PhD student. Thanks must also go to my examiners whose helpful advice enabled me to complete the final revisions to this thesis.

I would also like to take this opportunity to express some personal thanks. Firstly, I would like to thank my Mum and Dad for their support, both emotional and financial, during my many years as a student. I feel very privileged to have such loving, generous and well-informed parents. Love and thanks must go to Ian Mottashed, my university sweetheart and now my husband, for providing the kind of support, love and distraction that gives life real meaning. My heartfelt thanks also go to Helena Siviter, Robert Ince, Kellie Martin-Dewick, Emma Doyle, Anne Combarnous and the Southend girls, whose friendship and frivolity have meant so much to me over the years. You've all done well to put up with me for so long! I would also like to thank Blunty for keeping me laughing and Huggy Bear for keeping me dancing. Finally, I would like to thank everyone at Polity Press for being such wonderful colleagues – it is a pleasure to come to work in the mornings!

I would like to dedicate this thesis to May Wilder, who is always in my thoughts.

SYNOPSIS

This thesis examines the evolution of presidentialism in contemporary France, with particular reference to the presidencies of Charles de Gaulle (1958-1969) and François Mitterrand (1981-88), as articulated in constitutional studies, political writings and speeches, electoral programmes and polemics, journalism and other sources. Since the foundation of the Fifth Republic in 1958, the nature and extent of presidential power in France have been the subject of intense critical scrutiny. While there is a growing corpus of writings reflecting the diverse interpretations of the President's function, no study has yet focused upon an analysis of the debate itself. The thesis is primarily a textual study, based upon a wide range of sources. It opens with a discussion of the 1958 Constitution, the texts on which it was based, the writings of those most closely involved in its drafting and the different historical, ideological and cultural considerations underlying the concept of presidential power which it articulates. The thesis then examines the body of opposition to this conception of the presidency, focused most sharply in the polemical writings of François Mitterrand in the 1960s and '70s. By exploring the evolution of Mitterrand's opposition to the style of presidentialism emerging under de Gaulle, Pompidou and Giscard d'Estaing, the study identifies the beginnings of the Left's reconciliation to the institutions of the Fifth Republic, whilst also highlighting the many tensions and ambiguities to which this evolving stance gave rise.

The thesis then goes on to consider how Mitterrand's tenure of the French presidency subjected that office to the most exacting interrogation since the foundation of the Fifth Republic. The study shows how Mitterrand's first septennate invites a fundamental re-appraisal of the nature and limits of presidential power in contemporary France. In so doing, it calls for a new understanding of an office subject to a range of constitutional, political, personal and circumstantial factors. The study shows how, during his first term of office, Mitterrand explored the full spectrum of presidential power, from the confident interventionism ensured by the landslide Socialist victory in 1981 to the tightly restricted 'cohabitation' with the right-wing government of Jacques Chirac. There is, the thesis argues, a whole tradition of French Socialist ideology bound up in Mitterrand's early critiques of the Gaullist presidency, while his first seven years in power brought about important shifts in his own perception of presidential power and re-defined the terms in which the debate over presidentialism in France was to be conducted. The writings of such contemporary analysts as Avril, Gicquel, Duverger and Colombani attest to the complexity of the questions raised by this study and suggest ways in which Mitterrand's exercise of presidential power brought new dimensions to a debate that has been ongoing since 1958.

ABBREVIATIONS

CCC	Comité Consultatif Constitutionnel
CERES	Centre d'Etudes, de Recherches et d'Education Socialistes
CGT	Confédération Générale du Travail
CIR	Convention des Institutions Républicaines
FGDS	Fédération de la Gauche Démocratique et Socialiste
MRP	Mouvement Républicain Populaire
PCF	Parti Communiste Français
PS	Parti Socialiste
PSU	Parti Socialiste Unifié
RI	Républicains Indépendants
RPF	Rassemblement du Peuple Français
SFIO	Section Française de l'Internationale Ouvrière
UDSR	Union Démocratique et Socialiste de la Résistance

INTRODUCTION

'Une Constitution définit un régime politique. Elle s'exprime non seulement dans la lettre des textes écrits, mais dans l'origine et la pratique du pouvoir'.

Professor Roger Pinto, *Le Monde*, 5 July 1960.¹

Jacques Chirac's election as President of the French Fifth Republic in May 1995 not only marked the return of the presidency to the Gaullist Right after an interval of twenty-one years; it also brought to a close what was, for many, the excessively long mandate of François Mitterrand, whom Serge July described at the time as *'un monarque républicain'*.² This quasi-monarchical image of the French President as a supreme ruler, enjoying enormous personal power is certainly not new – it has been a constant criticism levelled at all Presidents since the Fifth Republic was founded in 1958. In particular, it has revealed itself as the Achilles heel of outgoing Presidents, who are open to attack concerning their exercise of power from major contenders in the run-up to a presidential election. For just as Giscard d'Estaing criticised an incumbent de Gaulle for his *'exercice solitaire du pouvoir'*,³ so Mitterrand accused Giscard of outstripping de Gaulle in his domination of the French executive – *'le Président de la République s'occupe de tout, même les jardins le long de la Seine'*.⁴

In this respect, it is hardly surprising that the question of presidential power was one of the key issues at the heart of the 1995 presidential campaign. Conscious of the public's disenchantment with the presidency at the end of Mitterrand's second term of office, rival candidates Jacques Chirac and Lionel Jospin both pledged to bring about a more responsible interpretation of presidential power if elected. Jospin proposed a reduction of the presidential mandate from seven to five years to ensure that the Head of State remained more closely in touch with government and the day-to-day needs of the French electorate, an idea encapsulated by his calls for a *'Président-citoyen'*. Chirac also laboured long over his rejection of the monarchical trappings of the presidential office, in favour of what he referred

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to as a '*présidence modeste*'. His proposals, which included disbanding the President's private squadron of jets,⁵ undoubtedly lacked the substance of Jospin's constitutional reform. Nevertheless, they clearly demonstrated a need to address what has remained one of the most controversial issues raised by the 1958 Constitution, that of the extent and limits of presidential power within the regime.

'*Présidentialisme*' is the French term that has come to encapsulate the notion of presidential power which has emerged under the Fifth Republic. But what exactly determines the level and type of power available to the French President at any given point in time? Has this power increased gradually since the regime's foundation or is it dependent on factors specific to each presidency? And why has the exercise of presidential power by successive occupants of the Elysée given rise to such dispute and debate? In the following analysis, we will seek to provide answers to these questions. By examining the development of presidentialism between 1958-1988, we will identify a number of fundamental variables which have shaped the nature and form of the modern French presidency. In so doing, we will also explore the relationship between these variables and establish whether their importance changes over time.

Arguably, the most important factor shaping presidential power is the Fifth Republic's Constitution, since it provides the basic framework which restricts and enables political action within the regime. When de Gaulle returned to power in 1958, his first act was to institutionalise his long-time vision for a stronger presidency. This involved several months of complex discussion between de Gaulle, the government and members of Parliament to determine the notion of presidential power to be enshrined in the constitutional text. Whilst those Fourth Republic parliamentarians who participated in the drafting process accepted that there was a need to enhance presidential authority in order to guarantee the new regime greater political stability, they were conscious that the President's powers should be carefully defined so that they did not encroach upon the Prime Minister's pre-eminence in government affairs.⁶

Most politicians on the non-Communist Left approved the constitutional text in the 1958 referendum because they believed that the new regime would establish a system of rationalised parliamentarianism, especially once de Gaulle had been removed from the constitutional equation. Experience quickly showed, however, that the Constitution had failed to provide the textual clarity and institutional mechanisms needed to protect prime ministerial and governmental power from presidential interference, enabling de Gaulle to easily impose his 'presidential' reading of the text, whereby the Head of State emerged as the undisputed head of executive decision-making within the regime.

The 1958 Constitution will be the operative variable for our study of presidential power. For without a sound knowledge of the powers accorded to the President in the constitutional text, we cannot begin to understand the way in which presidential power has been exercised under the Fifth Republic and the debates to which this has given rise. It is crucial, therefore, that our study begins with a full discussion of the origins of the Constitution, the framework of presidential powers which it sets out and the potential problems inherent in the text. For reasons of clarity and consistency, we have chosen to divide our examination of those presidential prerogatives set out in the Constitution into three key areas, those of formal, symbolic and shared powers. Whilst these distinctions may be considered somewhat artificial, they are required to provide an effective means of differentiating between fixed and unambiguous presidential powers, such as the right to dissolve the National Assembly, and those, like articles 5, 20 and 21, which have given rise to conflicting interpretations. Having made these distinctions in our opening chapter, we will continue to employ them consistently throughout the thesis.

Much of the constitutional literature on the Fifth Republic seeks to relate the exercise of presidential power back to a 'correct' interpretation of the 1958 Constitution. We would argue, however, that there is no such thing as a correct reading of the text. The contrasting intentions and expectations of those involved in the constitutional drafting process show how the presidential role defined in the text is open to a variety of interpretations, and herein lies the key to presidential pre-eminence within the regime. For although de Gaulle's dominance

of executive power was undoubtedly facilitated by the combined force of his historic persona and the Algerian conflict, it is unlikely that successors would have been able to justify the way in which they embraced and built upon the presidential practices established under his leadership without the help of constitutional imprecision and the symbolic authority conferred upon them by direct popular election to back their actions. Thanks to these constitutional factors we would argue that the President's reading of the Constitution is largely subjective and may be reinforced by the effective exploitation of additional political, circumstantial and personal resources. Therefore, rather than attempting to assess the exercise of presidential power in the context of a single, 'pure' interpretation of the constitutional text, we will show how the inherent flexibility of the Constitution, together with the 1962 amendment, provided the foundations for presidential pre-eminence which could then be built on using a range of additional factors.

As Professor Pinto rightly asserts in our opening citation, the nature of a political regime is not defined by the Constitution alone, but will also depend upon the way in which power structures set out in theory actually work in practice. In the case of the Fifth Republic, the constitutional text has proven sufficiently ambiguous to allow successive Presidents to transcend their constitutional powers and to impose their own interpretations upon the presidential role. The precise nature of this role is, however, dependent upon the presence and interaction of three key extra-constitutional variables: namely, political parties and alliances; the personality and public perceptions of the President; the political, social and economic conditions under which each presidency operates. We will now examine these in more detail.

There two main political variables affecting presidential power under the Fifth Republic: the parliamentary majority and the presidential party. Any President wishing to dominate political decision-making will require the support of a parliamentary majority to back his actions. This majority may consist of a single-party or a coalition of parties in the National Assembly, but the scope of the President's political power will differ accordingly. If the Head of State wants to exercise greater control over government action, the presence of a single-party or so-called

'presidential' majority is needed. If, on the other hand, the President's parliamentary majority derives from an alliance of political parties in which his own is a minority movement, then his position is more vulnerable. He would need to secure the coalition's continued support for his leadership by ensuring that his appointment of government ministers and policy initiatives reflected the range of political forces which brought him to power. Failure to do so could result in a loss of support within the coalition, leaving the Head of State without guaranteed backing for his policies in the National Assembly, and seriously weakening his ability to direct government action.

The bipolarising political tendencies of the Fifth Republic have also had an impact upon the way in which parties compete for power under the regime. Following the introduction of direct presidential elections in 1962, it became clear that the presidency would henceforth become the central organising principle for political action. Any movement wishing to compete effectively for power under the regime would need to present a presidential candidate who had received the backing of a strong and unified party or coalition of parties. Whilst this posed few problems for the Gaullist movement, which derived both its identity and mission from de Gaulle's individual leadership, it had a profound effect upon the organisation and electoral strategies of the Left from 1965 onwards as it sought to adapt to the structural and behavioural norms of presidential politics.

The importance of personal variables in shaping the parameters of presidential power should not be under-estimated. Thanks to the symbolic powers conferred on the President by the Constitution, the Head of State may play on the more personal aspects of the presidential role to enhance his status and authority within the regime. The degree of personalism which is associated with the Fifth Republic's presidency owes a great deal to its founder and first occupant, Charles de Gaulle. For in addition to the actual events of 1958, a great deal of mythologising went on at the start of the regime regarding de Gaulle and French history. When we talk of myth we do not necessarily mean a fictional account of events, but rather a description of events which suits a particular political audience. The myth of the President with visionary qualities, protecting the France from internal political instability and external

threats to her independence which emerged under de Gaulle's leadership, aimed to appeal to all the French across party divides. Thanks to the 1962 constitutional amendment, it became an integral part of the regime and influenced the comportment and discourse of successive Presidents and contenders for the presidency thereafter.

It is not, therefore, the true personality of the President which is of greatest significance, but the notion we have of that personality. But if presidential authority is dependent, in part, on public perceptions of the Head of State, it also relies on the comportment of other key political actors outside of the presidency who have a relationship with it, such as the Prime Minister. The extent to which the Premier and other government ministers are prepared to co-operate or comply with the Head of State's interpretation of his presidential role will impact upon the development of the presidency. In the case of strong, independent personalities conflicts may arise to the detriment of the President's public image. More often than not, however, these instances of disagreement or insubordination result in the departure of the minister concerned, who is unable to sustain his position against a presidential reading of the Constitution.

Finally, we must also acknowledge the role played by circumstantial factors in our study of presidentialism. In addition to political and personal factors, the President's exercise of power will be influenced by political, social and economic events unique to his mandate. De Gaulle's interpretation of the presidential role, for example, is best understood in the context of the crisis which brought about his return to office. This enabled de Gaulle to conjure up an air of drama and heroism around his presidential leadership, which undoubtedly heightened his authority within the regime. Similarly, Giscard d'Estaing's election owed a great deal to public disenchantment with years of Gaullist rule. He was able to capitalise on this climate to promote his image as the President of change and reform.

The unpredictable character of these conjunctural variables, however, may prove damaging to the presidency if they are not handled carefully and appropriately. In this respect, much depends upon public perceptions of the President. If, for instance, the Head of State is

closely associated with the determination and direction of government policy, any social and economic problems arising during his presidency are more likely to have a direct negative impact upon his power base. If, however, he retains a distance from government as the arbiter of national conflicts and international statesman, his position may be largely protected from any negative feedback. Presidential power will also depend upon the political calendar, that is to say the timing of presidential and legislative elections. At the beginning of his mandate, it may be argued that the President's legitimacy is so strong that he does not need to bolster his authority by intervening too closely in government business, whereas he may opt to increase his involvement in national affairs in the run-up to a parliamentary election in order to rally party support.

Presidentialism in contemporary France: De Gaulle and Mitterrand

In order to fully explore the factors affecting presidentialism in contemporary France, the thesis will focus on the two most important figures to have shaped the exercise of power under the regime: namely, de Gaulle and Mitterrand. As the regime's creator and first President, de Gaulle's experience of presidential power is crucial to our understanding of the regime's subsequent evolution. His occupancy of the presidency may be referred to as the 'constitutional' phase in the Republic's development since it established the institutional framework within which political actors under the regime would seek to define themselves. The flexibility of this framework, with its ambiguous definitions of both the presidential role and the desired balance of power within the executive, enabled de Gaulle to impose his own interpretation on the text, particularly after the electorate approved the introduction of direct presidential elections in the 1962 referendum.

De Gaulle's 'presidential' reading of the Constitution was perpetuated by his successor, former Prime Minister Georges Pompidou, whose five years at the Elysée brought to an end the Gaullist phase in the development of the modern French presidency. Contrary to the image he cultivated as the young, dynamic, modernising President, Valéry Giscard d'Estaing's exercise of power between 1974 and 1981 did little to challenge the presidential

practices of his predecessors and, many would argue, resulted in an even greater concentration of power in the hands of the President. The election of the Socialist, François Mitterrand, to the presidency, on the other hand, promised to bring about a fresh interpretation of the Constitution, which would ensure a fairer distribution of power within the regime.

Mitterrand was one of the few politicians who rejected de Gaulle's new Constitution from the outset. He argued that its whole conception was fundamentally flawed as a result of the highly irregular way in which de Gaulle had returned to power. Unlike Pierre Mendès-France, who pointedly refused to accept or participate in the new regime, however, Mitterrand soon opted to oppose de Gaulle through the channels provided by the Constitution – those of legislative and presidential elections, motions of censure and parliamentary debate. As leader of the Left from the mid-1960s onwards, Mitterrand continued to oppose the culture of presidentialism emerging under the Fifth Republic. His criticisms were countered by supporters of the regime and by the first three Presidents themselves, who justified their dominance of executive power by referring to constitutional guidelines and conventions in the making.

Following his election in 1981, however, Mitterrand's relationship to the institutions of the Fifth Republic changed, as did his interpretation of presidential power. With his calls for a more balanced reading of the Constitution throughout the 1960s and 70s seemingly forgotten, Mitterrand proved just as capable and just as willing as his predecessors to exploit all the resources available in order to maximise power during his first mandate. Even when cohabitation stripped him of the ability to directly influence government decision-making between 1986 and 1988, Mitterrand still managed to retain his presidential supremacy by carefully manipulating the Constitution and popular opinion to his advantage.

Mitterrand's transition from vociferous critic to ultimate consolidator and his status as the longest serving President of the Fifth Republic make him the ideal focus for our analysis of presidentialism after de Gaulle. Having built his career in opposition upon the critique of

presidential power exercised by de Gaulle, Pompidou and Giscard, it may be said that Mitterrand commented on every twist and turn in the development of presidentialism under the Fifth Republic. But what makes him unique among commentators and analysts is the fact that he, in turn, actually became the focal point for the presidential debate following his own election as Head of State. Having spent years condemning the process of accretion by which successive Presidents had enlarged the scope of their powers, Mitterrand suddenly found his own exercise of executive power under attack. Far from bringing about a significant redistribution of power within the French executive, we will see how Mitterrand's exercise of presidential prerogatives broadly endorsed the hyper-presidentialist reading of the Constitution which had come to dominate the regime since de Gaulle's period in office. In this respect, we may refer to Mitterrand's first mandate as the 'socialist consolidation' phase in the regime's development. This period also brought fascinating new dimensions to the debate about the nature and limits of presidential power in the form of his relationship with the PS, his reliance upon networks of personal advisors behind the scenes and, perhaps most importantly, his skilful use of the symbolic powers accorded to the President to cultivate an image of power under cohabitation.

The opening chapter of this thesis is intended to lay the foundations for our study of presidentialism under the Fifth Republic. Beginning with a brief discussion of the emergence of de Gaulle's constitutional vision, which he first articulated in his famous Bayeux address, the chapter will go on to examine the extent to which this was successfully translated into the 1958 Constitution. By examining the transcripts of the constitutional debates relating to key presidential powers, we will show how and why expectations differed amongst those parliamentarians and ministers involved in the drafting process concerning the nature and limits of the Head of State's role within the regime. We will then examine the importance of a further constitutional factor – the 1962 amendment – in ensuring that de Gaulle's interpretation of his presidential prerogatives became an enduring feature of the regime.

Having discussed the relationship between constitutional guidelines and the realities of presidential leadership during the early years of the Fifth Republic, chapter 2 will focus on left-

wing opposition to de Gaulle's exercise of power which crystalised around the persona of François Mitterrand. In this chapter, we will identify the origins of Mitterrand's initial opposition to the new regime, before going on to trace his gradual reconciliation to the institutions of the Fifth Republic during the 1960s. In so doing, we will show how Mitterrand's growing acceptance of the norms governing presidential politics sat uneasily with the anti-personalist philosophy of the French Left. This gave rise to a number of tensions and ambiguities in Mitterrand's interpretation of presidentialism when he strove to actively challenge de Gaulle's leadership in 1965 and 1968.

Chapter 3 examines the evolution of presidentialism during the 1970s through a brief overview of the presidencies of Pompidou and Giscard d'Estaing. Our discussion will highlight the growing importance of extra-constitutional factors, such as the size and composition of the parliamentary majority and the temperament of the incumbent, in determining the way in which presidential power was exercised between 1969 and 1981. The chapter will then explore Mitterrand's leadership of the Socialist Party throughout this period in order to show how the development of presidential politics impacted upon the party's internal organisation and electoral strategies, as well as Mitterrand's public discourse and comportment as the candidate of the Left.

The study will then move on to a detailed analysis of the Mitterrand presidency from 1981-86. Focusing on his first five years in office, chapter 4 will show how Mitterrand's exercise of presidential prerogatives broadly endorsed the highly-interventionist style of presidency that had come to characterise the regime. In this respect, the Left's reconciliation to presidentialism marked the final stage in the consolidation of the regime. Opening with a discussion of Mitterrand's effective use of the President's formal constitutional powers at the start of his presidency, the chapter will then explore the political, personal and circumstantial variables which influenced his exercise of power to differing degrees and with differing effects during this period. This will be achieved through an examination of his relationship to three key groups: the PS and parliamentary majority; the government; his team of personal advisors based at the Elysée.

Following the Right's victory in 1986, Mitterrand became the first President to experience 'cohabitation', and the first to find his powers challenged by the other wing of the executive, the Prime Minister and government. In chapter 5, we will explore the effects which this unprecedented institutional arrangement had upon the scope of presidential power. Stripped of his political majority in the National Assembly, the chapter will contend that Mitterrand was forced to exploit the more symbolic aspects of his role to maintain an illusion of pre-eminence within the regime. As a result, this period of cohabitation called for a new understanding of presidential power and the extent to which it is determined by both a highly ambiguous Constitution, the agenda and personality of the President and the vagaries of political circumstance.

Far from losing momentum over the years, the debate over presidential power has been enriched and enhanced by these contrasting experiences of presidentialism. Most recently, the referendum held in September 2000, which approved the reduction of the presidential mandate from seven to five years, saw public, Parliament and President drawn together once again to debate and decide a key factor determining the balance of power within the regime. It is not our intention here to discuss the implications of this change upon the future of the French presidency; as we have already stated, our focus lies instead with an examination of the origins and evolution of presidential power throughout the first thirty years of the Fifth Republic's history.

Notes to the Introduction

¹ Roger Pinto, 'La logique juridique des régimes politiques', *Le Monde*, 5 July 1960, p.4.

² Serge July, 'Les dix commandements de Mitterrand', *Libération*, 13-14 May 1995, p.31.

³ Quoted in *De Gaulle to Mitterrand: Presidential Power in France* edited by Jack Hayward (London: Hurst, 1993), p.31.

⁴ Extract from Mitterrand's speech before the National Assembly on 27 December 1979 cited in Pierre Avril, 'Norme constitutionnelle et norme politique', *Le Monde*, 30 December 1979, p.7.

⁵ Jacques Chirac promised the total withdrawal of the presidential fleet of jets known as GLAM (*Groupement de liaisons aériennes ministérielles*), a process begun by former Gaullist Prime Minister, Edouard Balladur. See *Le Monde*, 23 May 1995, p.8.

⁶ See the debates about the nature and limits of presidential power in *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, 3 vols (Paris: La Documentation française, 1987, 1988, 1991).

Chapter 1

THE BIRTH OF THE FIFTH REPUBLIC: CONSTITUTIONAL GUIDELINES AND POLITICAL PRACTICE

When the French nation voted overwhelmingly to adopt a new Constitution on 28 September 1958,¹ it was a collective decision which would radically change the French political system. Whilst it remains debatable whether the French electorate fully appreciated the impact that this would have upon French institutions,² there is little doubt that de Gaulle himself was only too aware of the way in which his new Constitution would transform the nature of executive power in post-war France. For although the 4 October 1958 may mark the official declaration of de Gaulle's Fifth Republic, the constitutional text itself represented the fruition of over a decade of political reflection on the part of de Gaulle. It may be argued, therefore, the origins of the current debate about the nature and limits of presidential power in contemporary France lie not, as is generally assumed, in the constitutional debates of 1958, but in the earlier writings of de Gaulle who, in close collaboration with Michel Debré, produced what is often referred to as the 'Bayeux Constitution' in 1946.

Taking as its starting point this embryonic period in the evolution of de Gaulle's constitutional vision, the chapter will go on to examine three critical stages in the development of the modern French presidency: the foundation of the Fifth Republic in 1958; the introduction of universal suffrage in 1962; de Gaulle's infamous press conference of January 1964. Having set out the broad lines of his constitutional vision at Bayeux, we will show how de Gaulle's return to power in 1958 provided him with an ideal opportunity to turn his institutional dreams into reality. This task was not, however, quite as straightforward as it may seem due to the involvement of a committee of parliamentarians in the constitutional drafting process, who sought clear reassurances that the

Constitution would not enable the President to dominate executive power under the new regime. In order to calm these fears, de Gaulle and his ministers made a number of minor amendments to the wording of their draft text. But, as we will see, these changes were purely cosmetic and in no way altered the fundamental ambiguity of the new Constitution which opened it up to different interpretations. This inherent flexibility, together with the serious political crisis which threatened national security at the time, enabled de Gaulle to impose his own 'presidential' reading of the Constitution upon the French once the text had been officially approved by referendum. When the Algerian crisis drew to a close, however, de Gaulle needed to find an additional (and more permanent) means of justifying his continued political pre-eminence within the regime. This came in the form the 1962 constitutional amendment that transformed the institutional status of the presidency and ensured that de Gaulle's 'presidential' interpretation of the Constitution, which he set out in the clearest possible terms in a press conference in January 1964, became the dominant characteristic of the regime. By examining the constitutional guidelines and political practice which shaped the development of presidential power during the inaugural years of the Fifth Republic, we may gain a better understanding of how and why the presidential function subsequently evolved.

1.1 The emergence of de Gaulle's institutional vision

The first evidence of an awakening of de Gaulle's political consciousness may be found in his letters and notebooks written during the First World War. Like any young officer serving in the French army, de Gaulle was eager to see his country emerge victorious from the conflict. As a result, his writings during this period were principally concerned with the improvement of national defence policy and military strategy. However, his efforts to understand the reasons behind France's apparent vulnerability to invasion led de Gaulle to explore the broader question of the historical evolution of France's institutions since the Revolution. Whilst he did not select any former regime for particular praise, nor attempt to formulate his own precise constitutional vision,

de Gaulle's jottings nonetheless revealed an acceptance of certain principles as a basis for any future regime – namely those of the Republic, secularism, democracy and universal suffrage.³ In addition, letters written to his mother at the end of 1915 included criticisms of the '*irrésistible infériorité de notre régime républicain-parlementaire*', whose '*absence de gouvernement*' rendered it ill-equipped to deal with full-scale military conflict.⁴ In his opinion, the party-dominated Third Republic was becoming '*de plus en plus bête et odieux*' and only served to accentuate the divisions within the nation. This was not compatible with the concept of national unity that de Gaulle felt was an essential element of national security.⁵

After the Great War de Gaulle published several works all of which dealt directly or indirectly with the question of French military reform. Experience of active combat had convinced de Gaulle that Germany would soon seek revenge for her humiliating defeat – an idea which he explored in his 1924 publication *La Discorde chez l'ennemi*. As the years passed, this pessimistic prediction seemed increasingly plausible, prompting de Gaulle to write *Vers l'armée de métier* in 1934 and *La France et son armée* in 1936, both of which called for rapid and far-reaching re-organisation of France's military forces. De Gaulle viewed such reforms as a national priority as it was only by means of '*la capacité de réformer le corps militaire que l'on jugera la capacité d'adaption de toute la société nationale. Le corps militaire étant l'expression la plus complète de l'esprit d'une société*'.⁶ When left-wing opposition prevented the introduction of any long-term programme of military reform, Jean-Louis Debré claims that de Gaulle became increasingly convinced that '*l'autorité et la continuité d'action impliquait un Etat fort*'.⁷

The need for strong leadership as a means of ensuring coherent and effective action was discussed in some detail by de Gaulle in *Le Fil de l'épée* (1932). As with most of de Gaulle's writing between the wars, this book looks at the concept of leadership from a military perspective. Nevertheless, it remains an important resource for understanding the origins of de Gaulle's insistence upon the need for strong, visionary leadership and his subsequent attacks upon the Fourth Republic's Constitution. According to de Gaulle, a great leader had to possess certain

personal qualities in order to control events whilst protecting and promoting the interests of the French. Talent was not enough - a natural leader would, in de Gaulle's view, be a man of prestigious character who was not afraid to assume sole responsibility for France's destiny.⁸ In his own words: *'le chef ne se conçoit guère sans une forte dose d'égoïsme, d'orgueil, de dureté et de ruse, mais on lui passe tout cela et même il en prend de relief s'il en fait des moyens pour réaliser de grandes choses'*.⁹

In this book, de Gaulle goes on to explain that a leader must be able to act independently which would involve renouncing all political or personal allegiances. There are, of course, definite Bonapartist overtones to de Gaulle's depiction of the accomplished military leader above the party fray, who emerges as a saviour figure at a time of national crisis to lead France out of danger and restore national pride. But whilst de Gaulle may have admired Napoleon's boldness and military expertise, he was careful to highlight his own rejection of fixed beliefs and political doctrines that had proven to be the Achilles heel of many great leaders in the past.¹⁰ Above all, de Gaulle regarded the ability to adapt one's actions to different contexts as the most important quality of any leader. As we will show, de Gaulle's appreciation of the importance of flexibility not only played a key role in determining his own actions both during and after the Second World War, but it was also one of the basic principles which informed the 1958 Constitution.

1.1.1 The war years, the Liberation and the founding of the Fourth Republic

'Mais que les événements deviennent graves, le péril pressant, que le salut commun exige tout à coup l'initiative, le goût du risque, solidité, aussitôt la change la perspective et la justice se fait jour. Une sorte de lame de fond pousse au premier plan l'homme de caractère [...]. A lui, naturellement, la tâche difficile, l'effort principal, la mission décisive'.¹¹

When de Gaulle wrote these lines in 1932, he could not have known just how pertinent they would become in describing his own entrance into the political arena in 1940. De Gaulle fled to England overnight following Pétain's request for an armistice with Germany. Opposed as he was to the idea of French capitulation and the investiture of an undemocratic regime, de Gaulle declared himself leader of the Free French in a prophetic radio broadcast on 18 June 1940. He based his legitimacy upon the power void left by the members of the Third Republic's executive who, he claimed, had abandoned their duty to defend France against foreign invasion. It was not until de Gaulle moved to Algiers in 1943 to join representatives of the former Third Republic, however, that the question of France's post-war infrastructure began to be examined more closely.¹² Amongst the constitutional proposals presented to de Gaulle by the various Resistance movements, one in particular appealed to the general – it was the '*Jacquier-Bruère*' project drafted by Michel Debré and Edouard Monick.¹³

Like de Gaulle, Debré shared the view that France's surrender in 1940 was not simply a military defeat, but that it was also the consequence of ineffectual government and, more specifically, the weakness of the presidency, which had come to characterise the Third Republic's political regime. That is not to say that the Third Republic's Constitution failed to provide the President with key executive powers: according to the 1875 text, the President was the head of executive power, he appointed government ministers and could dissolve the National Assembly when and if he chose to. However, following President MacMahon's dissolution of the National Assembly, which formed part of his failed attempt to mount a *coup d'Etat* in 1877, the President's power of dissolution was discredited and its use subsequently abandoned, robbing the Head of State of a key means of keeping Parliament in check. The nominal loss of this prerogative seriously undermined the President's status within the regime. This effect was compounded by the fact that Parliament had the power to elect the President and, from 1877 onwards, it resulted in the appointment of rather dull, compliant personalities who were unlikely to challenge the privileges and prerogatives of Parliament. Thus the presidency became a purely ceremonial function,

lacking a strong character to raise its profile within the regime and, more importantly, to call directly upon the French to protect their heritage and resist the invading forces in 1940.¹⁴

In this early framework for a new Constitution Debré set out to remedy the institutional deficiencies of the Third Republic by limiting Parliament's ability to dominate executive decision-making. Inspired by what he perceived as the increased coherence of the US political system of checks and balances,¹⁵ Debré proposed to limit Parliament's powers to matters of law and finance, as well as placing strict controls upon its ability to control the government by means of the motion of censure and the dissolution of the National Assembly. In addition, he recommended that the President's executive authority be enhanced so that he became a kind of elected monarch.¹⁶ In this way, the Head of State would become '*le premier sage de la nation*', providing the French with a permanent source of stability and unity within the regime.¹⁷ This role would not require the President to actively participate in the determination of government policy, but simply to oversee its implementation.¹⁸ At this stage, Debré ruled out the possibility of introducing the direct election of the President by the people for fear that France would once again end up governed by '*un général à la manière des pronunciamentos*'.¹⁹ In his view, the election of both the National Assembly and the President by universal suffrage could only result in conflict between the two. Instead, he proposed that the Head of State be chosen by '*un collège particulier qui associe aux membres du Parlement des représentants des organisations syndicales, des conseils généraux, des grandes municipalités*', with a possible extension to include '*certaines délégués des Universités ou de la magistrature*'.²⁰ In this way, the President would no longer be exclusively dependent upon Parliament for his position as he had been under the Third Republic.

After the German surrender of May 1945, de Gaulle officially began to tackle the problem of France's post-war institutions. A constituent Assembly, elected by proportional representation,²¹ appointed de Gaulle as head of government and together they set about drafting a new Constitution that could then be submitted for popular approval. However, as de Gaulle was soon

to discover, the majority of members of the newly-elected Assembly did not share his vision for a new set of institutions to correct the weaknesses of the Third Republic. Preparatory work on the new Constitution indicated a marked reluctance to establish a greater balance of power between government and Parliament and, as a result, the concept of a sovereign Assembly was emerging once more. Furthermore, as Lacouture notes, in re-establishing a working Parliament, de Gaulle found himself at the mercy of various political formations that were no longer dependent upon him for their legitimacy as they had been under the Resistance.²² Faced with a National Assembly marked by the presence of a powerful Left, de Gaulle decided to withdraw temporarily from the political centre stage so as not to ostracise himself further or jeopardise his future legitimacy by becoming too closely associated with *'une œuvre dont il pressent l'extrême faiblesse'*.²³

1.1.2 Bayeux: an 'embryonic' Constitution

Following his sudden departure from government in January 1946, de Gaulle took full advantage of his new-found political freedom to hold regular meetings with Michel Debré, René Capitant and Léon Noël to discuss the elaboration of an alternative Constitution. The outcome of these discussions was revealed in a landmark speech given by de Gaulle at Bayeux on 16 June 1946.²⁴ The 'Bayeux Constitution', as it has been called, set out de Gaulle's vision for France's institutions. In this respect, it may be regarded as de Gaulle's first official constitutional declaration and, more specifically, as the embryonic form of what later developed into the 1958 Constitution.

Before we examine the central ideas in the Bayeux speech, let us first comment briefly upon de Gaulle's reasons for choosing to present his institutional vision to the French so soon after leaving office. After the war, de Gaulle had been greatly disappointed to see the revival of a party-dominated Assembly, yet he remained convinced that the shortcomings of the system would quickly become apparent, and the electorate would call upon him to take control of France's destiny once more. The timing of the Bayeux speech - after the popular rejection of the

first draft Constitution on 5 May 1946, and before the constituent Assembly returned to the drawing board to begin working on a revised project – would seem to suggest that de Gaulle hoped to influence the constitution-making process. It is not clear why de Gaulle believed that a public and political climate, which had been resistant to the prospect of a strong State, might suddenly become more receptive to such a concept five months later. Nevertheless, there is reliable evidence,²⁵ not least the portentous tone of the Bayeux address itself, to corroborate the view that de Gaulle did not anticipate having to wait long before returning triumphantly to power. As remembered by his close friend, Claude Mauriac, de Gaulle's own words clearly convey his high expectations prior to Bayeux: *'le 16 juin, à Bayeux, je mettrai les Français en face de ma conception de ce que doit être la Constitution. Je mettrai les constituants en face de leurs responsabilités. Et ils feront ce que je dirai [...], l'opinion publique cristallisera autour des idées simples et sages dont chacun saura désormais qu'elles sont les miennes'*.²⁶

De Gaulle's 'Bayeux Constitution' called for legislative, executive and judicial powers to be *'nettement séparés et fortement équilibrés'*. This would be achieved thorough the creation of a bicameral Parliament in which the second 'administrative' chamber, whose members would be chosen by local government bodies, would act as a corrective to the first 'political' chamber elected by universal suffrage. To ensure that this new institutional arrangement functioned smoothly, and that long-term French interests would never again suffer as a result of party political conflict, de Gaulle also proposed the appointment of a Head of State or as he put it, *'un arbitrage national [...] au-dessus des contingences politiques'*, with fewer potential checks upon his powers than under the 1875 Constitution.²⁷ According to de Gaulle's vision, the President would become the supreme representative of the nation, the arbiter between parties and the guardian of France's independence and institutional stability. But in order to fulfil these constitutional duties, he had to be able to act independently of Parliament. His election by the two parliamentary chambers was, therefore, out of the question. Instead, the President would be chosen *'par un collège qui englobe le Parlement, mais beaucoup plus large et composé de manière à faire de lui le président de l'Union française en même temps que celui de la*

République'.²⁸ As the supreme source of executive authority,²⁹ the President would have the power to promulgate laws, issue decrees and sign treaties. He would also appoint government Ministers and, more importantly, the Prime Minister. Finally, de Gaulle recommended that the President be able to dissolve Parliament and call a general election should he deem it necessary. Only as a result of these enhanced presidential prerogatives, he claimed, would France possess the powerful State needed to restore national unity.

The wording of the Bayeux address also reveals a great deal about de Gaulle's perception of the prime ministerial function under the proposed regime. No mention is made, for instance, of the Premier's role in drawing up government policy, as had been the case under the Third Republic. Instead, de Gaulle affirms that the Prime Minister will '*dirige[r] la politique et le travail du Gouvernement*'. Clearly, there is a distinction to be made between directing government action and dictating it. In this respect, it is significant that de Gaulle omits to specify exactly who will determine national objectives under the new regime. By directly acknowledging the Premier's role as an executor, de Gaulle seemed to be implying that the President would be the architect of government policy. For although de Gaulle describes the Head of State as an '*arbitre*' above political affiliations, one is inclined to agree with Véronique Alibert-Fabre when she concludes that, in the case of a strong personality like de Gaulle, this was unlikely to produce a politically inactive presidency. Particularly when the incumbent is required to '*présider les conseils du Gouvernement et d'y exercer cette influence de la continuité*' which,³⁰ according to leading political analysts like Maurice Duverger, is the determining factor in establishing the real head of government within a regime.³¹

The Bayeux speech is much more than a verbal Constitution since it also integrates some of the more abstract concepts which informed de Gaulle's political philosophy. The most important of these ideas is that of legitimacy. As self-appointed Head of the Resistance, the legitimacy of de Gaulle's actions derived from the conviction that he had been blessed with a certain '*supériorité morale*', which obliged him to act to defend the interests of the French nation against attack, even

if this meant stepping outside of the law.³² This notion of a '*légitimité de mission*', as Chevallier calls it, is often associated with Bonapartism and rests on the assumption that 'the leader himself embodied the nation and was the living incarnation of popular sovereignty in action'.³³ In reality, de Gaulle had certainly not received the approval of the electorate for his actions in 1940, which had been greeted with bewilderment by the Allies and indifference by the French themselves. Moreover, it cannot be said that his early appeals to the French to resist German occupation reflected the general mood of the country, since historical evidence suggests otherwise.³⁴ Therefore, in order to justify his legitimacy before the inhabitants of Bayeux, de Gaulle constructed a myth of the Resistance in which he depicted himself as France's saviour, the leader of an elite group, whose moral superiority, boldness and willingness for self-sacrifice in the name of French Liberation lent de Gaulle a quasi-sacred quality that implicitly exempted his actions from normal institutional and judicial restrictions.³⁵ As we will see, it was this claim that he possessed a unique moral legitimacy which later enabled de Gaulle to return dramatically to the political arena in 1958 and present himself as the only person, who was both capable and commendable enough to see France safely through the Algerian crisis.

In his study of de Gaulle's political career, Jean Lacouture draws our attention to the inappropriate timing of the Bayeux speech when he notes that '*le tout n'est pas de dire les choses vraies, et nécessaires. Il faut aussi les dire en temps voulu, et les rendre assimilables à l'auditeur*'.³⁶ In this respect, Bayeux may be regarded as an error of judgement on the part of de Gaulle, who had clearly under-estimated the degree of public and political hostility towards the concept of a powerful Head of State following the Liberation. The public's primary concern was to see things return to 'normal' as quickly as possible; major institutional upheaval did not, therefore, seem like a very attractive prospect. Those political reactions which did filter through into the press were predominantly negative, and clearly determined by the position of each party in the ongoing constitutional debate.³⁷ Unsurprisingly, de Gaulle's speech was greeted with varying degrees of hostility by the French Left. In an article published the following day in *Le Populaire*, Léon Blum rejected de Gaulle's notion of a more powerful presidency, stating that '*sur le principe*

*républicain, il n'y a pas de concession, ni de conciliation possible. L'Assemblée, directement issue du suffrage universel, doit avoir le premier et le dernier mot.*³⁸ The Communist Party leader, Georges Thorez, was more damning in his assessment of Bayeux and denounced de Gaulle as '*le général factieux*'. Similarly, in *L'Humanité*, Cognoit warned his readers that such an increase in presidential powers might lead to dictatorship: '*il faudra beaucoup de vertu à ce chef de l'Etat tel que le conçoit le discours de Bayeux pour ne pas rêver parfois de Césarisme*'.³⁹ The attitude of the Radical press was generally positive, since it approved of any project which moved a step closer to the notion of presidential power which was enshrined in the 1875, but never allowed to flourish.⁴⁰ Nevertheless, some reservations were expressed with regard to the level of power accorded to the Head of State. In *La Dépêche du Midi*, for instance, Martinaud-Deplat called upon de Gaulle to revise his constitutional proposals lest they be interpreted as a '*simple étape vers la conquête du pouvoir personnel*'.⁴¹

Despite these expressions of disapproval, it must be said that, on the whole, parliamentary reaction to the Bayeux speech was noticeably lacking and most parties, with the exception of the Communists and the Socialists, failed to respond directly to de Gaulle's proposals. Three possible reasons may be suggested for this political silence. Firstly, it may have been a mark of respect for de Gaulle; the memory of his heroic actions during the war making parliamentarians reluctant to criticise publicly the man to whom Free France owed so much. The second argument, put forward by Jean Charlot, contends that in 1946 political parties were far more concerned about the potential impact which the creation of a Gaullist party would have upon their positions, than they were about the constitutional projects of an individual who had affirmed his determination to remain outside of the political arena.⁴² But perhaps the most likely explanation is that Parliament was so thoroughly absorbed by its own constitutional projects that it simply did not pay much attention to de Gaulle's Bayeux address. After all, to take issue with de Gaulle's constitutional vision would have been to promote it as an unwelcome dimension within an already complex debate. Consequently, the significance of this speech was only truly evaluated after de Gaulle returned to power in 1958.

De Gaulle's speech at Epinal, on 29 September 1946, on the other hand, succeeded in provoking a rapid and direct response from all political parties. The Epinal address was more aggressive in tone and more overtly critical of the second constitutional project, which had just been approved by Parliament. In this speech, de Gaulle denounced the draft Constitution as unsatisfactory since it failed to incorporate an effective separation of powers or to accord sufficient power to the President. This, he claimed, would result in the continued '*omnipotence des partis*'. He also used this address as an opportunity to reiterate his own constitutional proposals, particularly in relation to the presidency: '*il nous paraît nécessaire que le chef de l'Etat en soit un, c'est-à-dire qu'il soit élu et choisi pour représenter réellement la France et l'Union française, qu'il lui appartienne [...] d'assurer au-dessus des partis le fonctionnement régulier des institutions et de faire valoir, au milieu des contingences politiques, les intérêts permanents de la nation*'. In addition to his calls for a Head of State '*qui en soit un*', de Gaulle also indicated his support for the principle of popular consultation to allow the French to decide their own institutional destiny.⁴³ As Alibert-Fabre points out, neither the prospect of a politically powerful President nor the incorporation of the referendum into the Constitution were usual features of French parliamentarianism.⁴⁴ It is hardly surprising then that many politicians regarded de Gaulle's demands as confirmation of his intention to establish an autocracy with the President dominating executive power. As we will see, these early concerns as the way in which de Gaulle's institutional vision could develop were eventually borne out by his description of the presidential role at a press conference in January 1964. Furthermore, the fact that de Gaulle chose to re-employ the same expression - '*un chef de l'Etat qui en soit un*' - on this occasion is more than mere coincidence; it points to a definite congruence between the early conception of the presidency articulated at Bayeux and Epinal and his exercise of presidential power after 1962.

Concerned by the potentially negative influence that this speech might have upon the forthcoming constitutional referendum, the parties were quick to reject de Gaulle's criticisms. Spokesmen for the three major political movements (PCF, SFIO and MRP) joined together to announce that they would prefer to see de Gaulle remain '*au-dessus des querelles politiques*' and encouraged voters

to ignore Epinal and to endorse the proposed Constitution.⁴⁵ In *Le Populaire*, Léon Blum expanded upon his previous assessment of the Bayeux speech to conclude that what de Gaulle was really advocating was an American-style presidential regime, whereby the President would be elected by universal suffrage. According to Blum, such a notion was wholly undesirable, since French history had shown that the direct election of strong political figures always took the form of a plebiscite.⁴⁶ Vincent Auriol, President of the National Assembly, also spoke out to warn of the dangers of following the advice of a lone political figure or party, adding that de Gaulle's institutional vision was too absolutist to accommodate the diversity of France's political landscape.⁴⁷ Even the MRP, which accepted de Gaulle's point that the new Constitution was '*imparfaite*', confirmed '*que l'intérêt du pays est de ratifier la Constitution*',⁴⁸ causing a split between the MRP and the *Union gaulliste*.⁴⁹ As for the Communist Party, it merely reiterated the opinion expressed by Thorez after the Bayeux address that '*le général a pris la tête de toutes les forces réactionnaires et anti-démocratiques du pays*'.⁵⁰

In the October referendum the French did not rally to de Gaulle's alternative Constitution and approved the inauguration of a regime which reproduced many of the Third Republic's constitutional weaknesses; as Duverger put it at the time - '*c'est l'air même de la Troisième République qu'on respire dans la Quatrième*'.⁵¹ Far from bringing about a more even distribution of power between the executive and legislative branches, the 1946 Constitution ensured that it was concentrated once more in the National Assembly, which had the power to approve government programmes as well as to elect the President of the Republic. The regime itself was characterised by coalition governments which lasted an average of six months, before disintegrating when the different parties involved disagreed over a key policy issue. The degree of government instability is conveyed effectively by the fact that 25 different governments and 15 different Prime Ministers came and went during the regime's relatively short life.⁵²

Whilst it would be wrong to describe the President as completely powerless under the Fourth Republic, it is fair to say that the extent to which he was able to influence executive or legislative

decision-making was always at the discretion of the government and Parliament. As a result, the two Presidents of the Fourth Republic, Vincent Auriol (1947-54) and René Coty (1954-8) were, at times, involved in policy-making, government appointments and both took advantage of their status as a symbol of continuity (unaffected by governmental instability and elections) to offer advice and warnings to successive governments. Nevertheless, the fact remains that this authority was highly personalised and did not derive from constitutional guidelines, political conventions or strong party support. In this respect, the President could not challenge parliamentary pre-eminence and, as President Coty found out when the Algerian conflict reached crisis-point in 1958, this prevented him from intervening decisively and effectively to stave off a national emergency. Thus it was that after twelve years outside of the political arena, de Gaulle was able to return to power and see his vision for a powerful presidency become an institutional reality.

1.2 Setting up the Fifth Republic

At 67 years old, de Gaulle knew that his return to the political stage in 1958 would be the last chance he would have to realise his constitutional project. Consequently, he was determined not to repeat his mistakes of 1946 by allowing the parties to cast him aside once he had achieved a resolution to the Algerian conflict.⁵³ On 28 May 1958, President Coty invited de Gaulle to form a government and three days later he presented his cabinet before the National Assembly. Despite continued fighting in Algeria and increasingly pressing economic and financial problems, de Gaulle's first priority was to draft a new Constitution, which would build a legitimate Republic by creating a State that was both effective and democratic.⁵⁴

De Gaulle by no means stood alone as champion of a stronger executive. Politicians from the Left, Right and Centre also recognised this obvious need. Where their views differed, however, was how this stronger executive could be achieved. Unsurprisingly, the Right favoured a

powerful Head of State chosen independently of Parliament, whilst the Left sought a traditional head of government elected by Parliament but constitutionally protected against those parliamentarians who had overthrown all too many governments under the Third and Fourth Republics. As we will see, the 1958 constitutional text represents a kind of compromise in so far as it sets out a bifurcated executive power to be shared by President and Prime Minister.

Before we examine more fully the concept of executive power as it is set out in the Fifth Republic's Constitution, a very brief overview of the 1958 constitution-making process is in order. Having accepted President Coty's request to step in as *Le Président du Conseil* (as Prime Ministers were called under the Fourth Republic), de Gaulle sought from the National Assembly a change in the procedure for amending the Constitution which would, in effect, authorise his government to draft a new Constitution. De Gaulle instructed his Minister of Justice, Michel Debré, to put together a working group that could begin drafting a text. This group worked closely with an interministerial committee, which included de Gaulle himself and four powerful Ministers of State. The government then submitted this draft text to the *Comité Consultatif Constitutionnel* (CCC) – a body comprised mainly of members of Parliament, who had been democratically selected by their peers and were authorised to suggest revisions to the government's text.⁵⁵ The CCC examined the text from the 29 July to the 14 August. Its recommendations were looked at by the working group and the interministerial committee, which included de Gaulle, Debré, the leading parliamentarians Guy Mollet and Pierre Pflimlin, as well as ministers of State, before a new text was prepared for submission to the Council of State on 25 and 26 August. Further revisions were then suggested and the final text was presented to the people at *La Place de la République* in Paris on 4 September.

In the following examination of the key formal, symbolic and shared powers accorded to the President in the 1958 Constitution, it will be shown that far from establishing a single, clear definition of the division of responsibilities between President and Prime Minister, the ambiguous wording of certain aspects of the 1958 Constitution gave rise to two contrasting interpretations of

executive power, the so-called 'presidential' and 'parliamentary' readings of the Constitution. According to the 'parliamentary' reading of the text, which was favoured by those on the Left, the Prime Minister was the head of executive power and it was his responsibility to dictate and direct all aspects of government action, whilst the President occupied a more symbolic, non-interventionist role as national guide. For those on the Right, however, the text was open to a 'presidential' reading which placed the Head of State firmly in the driving seat of executive policy-making.

Given the way in which the regime subsequently evolved, it is a common assumption that all those involved in drafting the Constitution knowingly endorsed a 'presidentialist' reading of the Constitution. The order of the Constitution alone (it begins by listing the powers accorded to the President of the Republic) has undoubtedly helped to perpetuate this notion that members of the CCC and government alike expected the Constitution to establish a predominantly presidential regime. An analysis of the constitutional debates, however, reveals that this was not, in fact, the case. Archives show that members of the CCC sought and received explicit assurances from de Gaulle and his ministers that the President would not be allowed to dominate the executive and that a 'parliamentary' reading of the text would prevail. As we will see, de Gaulle deliberately misled members of the CCC into believing that he too favoured a more balanced distribution of executive power to gain parliamentary approval for his project, knowing that he had succeeded in keeping the text sufficiently ambiguous to allow him to adopt a presidential reading of the text as soon as the new regime was officially underway.

1.2.1 The formal powers of the President

The President and Parliament

The 1958 Constitution grants the President a number of concrete powers, which are not open to interpretation or debate. The first of these 'real' powers concerns the Head of State's right to dissolve Parliament once in any given year, without ministerial countersignature (article 12). De

Gaulle regarded this as one of the most important weapons in the presidential armoury, as it provided the Head of State with a means of ensuring greater governmental stability.⁵⁶ The threat of dissolution was an effective deterrent against attempts by Parliament to overthrow the executive (as was common practice under the Third and Fourth Republics), since most *députés* would not want to run the risk of losing their seats in a new legislative election. In addition, article 12 could be invoked by a newly elected President to return a favourable parliamentary majority or by an incumbent President in need of 'relegitimising' his position. At one meeting de Gaulle elaborated further upon the use of article 12, stating that the President should have the power to dissolve both the National Assembly and the government '*si l'un ou l'autre excède les limites de sa compétence*'.⁵⁷ This was opposed by the parliamentarians, Guy Mollet and Pierre Pflimlin, on the grounds that it would imply too active a role in day to day politics which was not the President's function. In the end, agreement was reached when de Gaulle assured his colleagues that dissolution would only be used in exceptional circumstances.⁵⁸ Yet such verbal assurances were by no means legally binding, and did not alter the fact that dissolution was entirely at the President's discretion. It is simply not logical to argue that the Head of State only disposes of this power sometimes, when the text itself clearly states otherwise. De Gaulle's guarantees, therefore, had no real constitutional basis, and it is a testament to his skills of persuasion that he managed to convince two sceptical parliamentarians to the contrary.

Article 10 requires the President to promulgate laws no later than two weeks after they have been voted by Parliament. If he wishes, the President may send a bill back to Parliament for a second reading - a request that cannot be denied. Similarly, article 13 states that it is the President's responsibility to sign decrees from the Council of Ministers. Should he refuse, the government is obliged to follow the normal procedure of presenting and voting the law in Parliament, which is a longer and more complex process. Article 61 also gives the President the right to submit any Bill to the Constitutional Council should he deem it unconstitutional. However, only the Constitutional Council possesses the judicial powers required to stop the passage of the Bill. In this respect, the President's judgement is of a more symbolic nature. Collectively, articles 10, 13 and 61 give the

President what Fournier refers to as a certain '*pouvoir d'empêcher*',⁵⁹ not only because they may be used to slow down the legislative process, but also because the President's refusal to sign certain pieces of legislation may turn popular opinion against the government, prompting it to amend the bill in question or to abandon it entirely.

The referendum - 'the constitutional mark of Gaullism'.⁶⁰

De Gaulle was certainly not the first political figure to argue for the compatibility of the parliamentary regime and the referendum, but he was the first to incorporate the notion into his constitutional projects. Influenced by his discussions with René Capitant, who was a firm believer in the ability of the referendum to unify the State,⁶¹ de Gaulle came to regard this form of popular consultation as the most perfect example of democracy in action, as true legitimacy could only derive from direct electoral approval.⁶² Unlike Capitant (and to a lesser extent Debré), who regarded the referendum as an opportunity for dialogue between the people and State,⁶³ de Gaulle saw it as a plebiscite upon his individual leadership, just as it had been under the Napoleonic Empires. The direct link which the referendum creates between the President and the electorate effectively excludes Parliament, and is consistent with de Gaulle's contempt for political parties and his desire to see their power reduced.⁶⁴ Originally, de Gaulle had wanted to allow the President to call a referendum on any proposed law which Parliament refused to adopt, as well as any question of fundamental importance to the nation.⁶⁵ However, following its deliberation by the CCC, the scope of the referendum was limited to proposed constitutional amendments (article 89), and issues relating to Community agreements or the ratification of international treaties (article 11).⁶⁶

The power of appointment

As we have seen, one of de Gaulle's priorities when drawing up a new Constitution was to guarantee the President a greater degree of executive autonomy than under the Fourth Republic, where presidential involvement in appointing the government was limited to the designation of the Prime Minister, whose proposed cabinet and political programme then had to be ratified by a

majority in the National Assembly.⁶⁷ Article 8 of the 1958 Constitution gives the President the sole power to nominate the Prime Minister, who then selects the members of his government in consultation with the President. Throughout the constitutional debates, questions were raised about the independence of a Prime Minister who owed his position to the President, and the latter's ability to dismiss the Prime Minister at will. Unsurprisingly, the CCC, which was largely made up of staunch parliamentarians, sought assurances from de Gaulle and his spokesmen that the President would not be able to remove the Prime Minister at will. Raymond Janot, the *Commissaire du Gouvernement*, calmed such fears by stating categorically that the President could not dismiss the Prime Minister because the government was responsible before Parliament and *not* before the President of the Republic.⁶⁸ Moreover, he argued that this was implicit in the wording of the article itself; the fact that the President had the power to terminate the functions of other ministers upon the recommendation of the Prime Minister implied that he had no such power to remove the Prime Minister himself. De Gaulle's explanation to the CCC on 8 August was much more straightforward. Asked by Paul Reynaud whether the President had the power to dismiss the Premier, de Gaulle replied unequivocally '*Non, il ne peut pas révoquer le premier ministre, sans quoi d'ailleurs le Premier ministre ne pourrait pas gouverner avec libre esprit.*'⁶⁹ He then went on to reiterate Janot's point that '*le Premier ministre n'est pas responsable devant le président de la République [...], sans quoi tout l'équilibre de notre projet de Constitution serait renversé car un élément essentiel de ce projet est que le président de la République est un arbitre et qu'il est là pour assurer le fonctionnement des pouvoirs publics.*'⁷⁰

This statement clearly shows de Gaulle agreeing (or rather pretending to agree) with the view that the Premier should not be answerable to the Head of State, because such dependency would enable the President to influence government affairs, thus preventing the Premier from governing freely.⁷¹ Furthermore, his final assertion that without such a separation of prerogatives the desired balance of power within the regime would be compromised, not only seemed to confirm that there was only one possible reading of the Constitution, but that this reading was predominantly parliamentary, with the Prime Minister enjoying a level of autonomy which did not

render him subordinate to the Head of State. In this instance, de Gaulle's perception of an equal division of power between Prime Minister and President appears to be identical to that envisaged by members of the CCC. This represented a significant deviation from the style of presidency described at Bayeux. We will see later in our discussion, however, that de Gaulle soon revealed his preference for a more interventionist interpretation of the President's role once the Constitution had been approved. Nevertheless, these solemn declarations were convincing enough to mollify the CCC; less than a week later, Paul Reynaud wrote to de Gaulle to thank him for appearing before the committee and, in particular, for confirming that '*malgré l'accroissement des pouvoirs du chef de l'Etat [...], c'est bien du régime parlementaire qu'il s'agit*'.⁷²

Even if members of the CCC were won over by de Gaulle's assurances, some observers remained unconvinced. Rather surprisingly, one such sceptic was Michel Debré. In a meeting of the working group which prepared the draft Constitution to be submitted to the CCC, Debré expressed the view that '*le pouvoir de nomination comporte le pouvoir de révocation*'.⁷³ In other words, he acknowledged that the failure of this early outline of the Constitution to tackle the removal question implied that the President, who was empowered to appoint the Prime Minister, would indeed have the power to dismiss him as well. De Gaulle was clearly not completely convinced by Debré's argument because after the text had been modified by the CCC and approved by the government so that it read '*le Président de la République nomme le Premier ministre. Il ne peut mettre fin à ses fonctions que sur la présentation par celui-ci de sa démission*',⁷⁴ de Gaulle made one final alteration, deleting the '*ne...que*' construction from the text before it was presented to the electorate. This grammatical change from negative to positive alters the fundamental sense of the sentence, weakening the Prime Minister's position and making him more vulnerable to presidential dismissal. Practical implementation of article 8 soon proved that the Prime Minister would indeed find himself unable to cling onto his position against the wishes of the President. Ironically, it was Debré himself who would become its first victim.

Emergency powers

Finally, we come to what is undoubtedly the most controversial of the President's 'real' powers, that of article 16. It allows the President to take whatever measures he deems necessary *'lorsque les institutions de la République, l'indépendance de la Nation, l'intégrité de son territoire ou l'exécution de ses engagements internationaux sont menacées d'une manière grave et immédiate et que le fonctionnement régulier des pouvoirs publics est interrompu.'* In other words, the President is granted full emergency powers in times of extreme crisis to take sole control of the country's decision-making. Although there have been a few constitutional articles since the Revolution which may be considered as precedents of article 16,⁷⁵ the inclusion of emergency powers in the 1958 Constitution was primarily due to both de Gaulle and Debré's interpretation of French capitulation at the beginning of the Second World War. In an appearance before the CCC on 8 August 1958, de Gaulle explained that had President Lebrun been constitutionally empowered to act as the legitimate defender of national integrity in 1940, he would have been able to transfer this legitimacy to become head of the provisional government in Algiers, and there would have been no need for de Gaulle to have taken matters into his own hands.⁷⁶

This article was one of the few which received prolonged attention from members of the CCC. Whilst agreeing with the principle of emergency powers, committee members were nonetheless concerned that the wording of the original text was too imprecise and might lead to confusion, as well as possible abuse, when such powers were invoked. Consequently, there was almost unanimous support for Paul Coste-Floret's proposal that the Constitutional Council, the Prime Minister and the Presidents of the two Chambers all be consulted before article 16 could be invoked.⁷⁷ De Gaulle agreed to the amendment on the condition that the Constitutional Council appeared in the last line of the paragraph and not the first, as had been originally proposed by the CCC.⁷⁸ Even though this does not alter the actual meaning of the article, it is significant because it illustrates once again the importance which de Gaulle placed upon fine-tuning, in order to ensure that the emphasis clearly lay with the *presidential* right to invoke emergency powers. De Gaulle saw article 16 as being inextricably linked to the President's arbitral role to guarantee

that French institutions functioned smoothly.⁷⁹ In addition, the CCC approved a further two amendments, put forward by Messrs Teigen and Dejean, which aimed to place tighter restrictions upon the limits of these exceptional powers. It was hoped that the combined effect of these changes would guarantee against the possible abuse of article 16, thus weakening the argument of the '*cartel des non*',⁸⁰ whose opposition to the new Constitution centred mainly upon '*la dictature légale*' which article 16 might impose upon the French.⁸¹

Despite the understandable concerns which were voiced as a result of the inclusion of article 16, it has only ever been used once, by de Gaulle, from 23 to 30 April 1961, at the height of the Algerian crisis. Nevertheless, this one instance amply illustrates the potential for the Constitution to give rise to renewed debates, once the implementation of a power is underway. De Gaulle's use of article 16 caused considerable controversy in political circles, even if, as Léon Noël affirms, the public and the press remained relatively disinterested by the whole affair.⁸² The debate centred mainly upon what Jacques Fauvet referred to as '*l'erreur du général de Gaulle [...] d'avoir laissé en vigueur pour une durée indéterminée l'article 16, alors que rien ni personne n'interrompait plus <<le fonctionnement régulier des pouvoirs publics>>*'.⁸³ Maurice Duverger was more scathing in his attacks upon de Gaulle. He accused the General of deliberately prolonging the use of his emergency powers for a period of six months, when sufficient institutional stability had been re-established by the end of April 1961.⁸⁴ Even amongst those who agreed with de Gaulle's interpretation of article 16 in 1961, the question of the extent and limits of emergency powers remained the subject of lively debate.⁸⁵

1.2.2 The symbolic powers of the President

Article 5 - '*l'esprit de la fonction présidentielle*'.⁸⁶

'Le Président de la République veille au respect de la Constitution. Il assure par son arbitrage, le fonctionnement régulier des pouvoirs publics ainsi que la continuité de l'Etat. Il est le garant de

*l'indépendance nationale, de l'intégrité du territoire, du respect des accords de Communauté et des traités.*⁸⁷

It is significant that article 5 should open the section on presidential powers in the 1958 Constitution, since it dictates the broad constitutional objectives that should inspire the actions of any President of the Fifth Republic. In this respect, it may be viewed as a reference point, which ensures that any territorial conflicts arising between President and Prime Minister due to the many imprecisions and gaps in the Constitution may be quickly resolved. Article 5, which may be found in its most primitive form in de Gaulle's 1946 speech at Epinal,⁸⁸ was not the focus of lengthy discussion by the CCC and only became the subject of controversy once the Constitution was put into practice. An analysis of the *Travaux Préparatoires* that document the constitutional debates of 1958, provides a clear explanation for this lack of debate – quite simply, none of the committee members anticipated that article 5 was open to different interpretation. They believed that article 5 allowed the President to fulfil a more symbolic, non-executive role as the supreme moral judge and national arbiter. Executive power would be dominated by the Prime Minister.

Practical implementation of the presidential role of '*arbitre*' set out in article 5, however, revealed that such a term was open to two quite different interpretations. The first relates to the concept of an arbitrator who acts as a referee, ensuring that rules are complied with and any disputes resolved, but without taking part in the game. In this respect, it is perhaps closest to the style of presidency which developed under the Third Republic. The second sense of '*arbitre*' which derived from the Roman term '*arbitrium*,' meaning will or command, implies a President who is the primary national decision-maker. The CCC's concept of the presidency seems to sit somewhere between the two definitions. For although they were prepared to sanction an increase in presidential powers so that the President was no longer hostage to an Assembly-based regime, they did not wish to see the emergence of the opposite scenario in which government and Parliament would find themselves subordinate to a very powerful President. De Gaulle, on the other hand, clearly favoured the second definition which would allow the Head of

State 'to always have the capacity to intervene at will, even if he generally avoided doing so in normal circumstances'.⁸⁹

As one of the defining aspects of the presidential function, it may be argued that the interpretation of '*arbitrage*' has played a key role in determining the way in which power is distributed between President and Prime Minister under the Fifth Republic. Depending on the definition accorded to this term, either actor may be seen as the head of the French executive. It follows, therefore, that the divergence between de Gaulle and the CCC's interpretations of presidential '*arbitrage*' meant that they did not share the same institutional vision. Both wanted to see a greater separation of executive, legislative and judicial powers, but within the executive itself, their notion of an ideal balance of power necessarily differed as a result of contrasting interpretations of presidential arbitration. The two possible readings of the term '*arbitre*' were not apparent at the founding of the Fifth Republic. Thanks to de Gaulle's assurances that '*le Président de la République [...] est un personnage impartial. Il est un arbitre; il n'a pas à s'occuper de la conjoncture politique et c'est la raison pour laquelle [...] le Premier ministre et le Gouvernement n'ont pas à être responsables devant lui*', most members of the CCC were convinced that he did not intend to exploit the ambiguity of term '*arbitre*' in order to intervene in government affairs under normal circumstances.⁹⁰ As de Gaulle's presidency evolved, however, particularly after the 1964 press conference, which will be discussed in the last section of this chapter, it became increasingly evident that he did not accept the President's exclusion from any aspect of the political decision-making process.

In a debate, which took place in February 1964, constitutional experts Georges Vedel and François Goguel supported de Gaulle's interpretation of '*arbitrage*' as a notion which would allow the President to participate in all areas of executive decision-making.⁹¹ By selecting a leader (be it directly or indirectly) to fulfil this function, they argued that the electorate automatically imposed an authority upon that individual to govern in its name. Whether the President opted to restrict his involvement to the resolution of institutional conflicts, or whether he decided to influence day-to-

day government business would be entirely at his own discretion. This point was first made during the CCC debates by M. Bour, who noted that '*le Président de la République – et cela dépendra de sa personnalité – sera un arbitre ou ne le sera pas, selon qu'il pèsera sur la politique du pays*'.⁹² For Vedel there was no doubt that '*arbitrage*' meant action; without the ability to over-rule other sources and impact directly upon national affairs, he maintained that the President's arbitrational function would be devoid of meaning. Philippe Ardant also accepts that '*arbitrage*' offers the President the possibility to participate in direct political decision-making, but he argues that the wording of article 5 of the Constitution '*retire (du Président) toute initiative en absence de conflit*'.⁹³ Therefore, Ardant contends that far from being '*l'arbitre régulateur de toute activité politique*', the President is simply there to '*assurer la continuité de l'exécutif*', which only requires his direct intervention if an incident threatens the stability of French institutions. As a result, his definition is much closer to the parliamentarian's interpretation of the presidential role whereby the Head of State is '*le juge suprême de l'intérêt national*',⁹⁴ whilst it remains the government's task to determine policy orientations.

1.2.3 Shared powers: President and Prime Minister

The question of 'who rules?' is a major problematic for analysts of the Fifth Republic due to the lack of clarity concerning the respective roles of the President and Prime Minister in the Constitution. In some areas, most notably those of defence and diplomacy, the text appears to grant the same powers to both actors,⁹⁵ whilst in others, ambiguous wording has allowed institutional conventions to develop which impose interpretations upon aspects of the constitutional text. The nature of such conventions and how and why they arose will be dealt with in greater detail in the next section. Our main concern here is to discuss the views of all those involved in drafting the Constitution in order to gain a better understanding of the concept of executive power which informs the text.

Most political analysts agree that the 1958 Constitution seems to set out some form of executive power-sharing arrangement between President and Prime Minister, which has been variously described as a dyarchy, bifurcated executive and even '*une aigle à deux têtes*', to quote Duverger's more aggressive metaphor.⁹⁶ However, as we have seen from the previous discussion, members of the CCC wanted the President to occupy a primarily symbolic role within the executive, whilst the Prime Minister determined and directed executive policy-making. Questions were put to Raymond Janot by members of the CCC at various points in the drafting process concerning the relationship between President and Prime Minister, and each time Janot affirmed that '*le chef du pouvoir exécutif c'est bien le premier ministre*'.⁹⁷ Prime ministerial dominance even appeared to extend to those areas where there was a definite overlapping of constitutional prerogatives, such as defence policy. In a meeting of the Council of State's Constitutional Committee in August 1958, René Cassin asserted that, although the President was the nominal head of the armed forces (as detailed in article 15), real control over defence lay with the government, headed by the Prime Minister (article 21).⁹⁸ These statements set up expectations that the President's role would be primarily that of a national figurehead, who was required to oversee, but not actively participate in, the determination of government policy.

In his study of the 1958 constitutional debates, Léo Hamon presents evidence to counter this assumption. He argues that de Gaulle continued to favour the strongly, authoritarian presidency he had advocated at Bayeux and Epinal, even if he avoided explicitly acknowledging this before the parliamentarians of the CCC. On re-examining the transcripts of discussions between de Gaulle and members of the CCC, Hamon discovered that de Gaulle had preferred the original wording of articles 20 and 21, which stated that '*assisté du gouvernement, le Président de la République définit l'orientation politique intérieure et extérieure du pays et en assure la continuité*'.⁹⁹ Not only does this version attribute ultimate responsibility for the elaboration of national and international policy objectives to the Head of State, it allows him to decide the extent to which the government is involved in such decision-making. It also fails to acknowledge the existence, let alone the superiority, of the Prime Minister within the cabinet, by including him

under the general term '*gouvernement*'. It is hardly surprising then that the CCC opted to reject de Gaulle's favoured version. Yet such attention to grammatical detail had little bearing on the way in which the Constitution was interpreted in practice - it certainly did not prevent de Gaulle from intervening increasingly in government affairs, particularly after the 1962 constitutional amendment, whose impact upon the evolution of presidential power under the Fifth Republic cannot be over-estimated.

1.2.4 Political and public reactions to the 1958 Constitution

Following de Gaulle's official presentation of the constitutional text before the electorate on 4 September 1958, political parties were obliged to define their own positions in time for the referendum, which was due to take place some two weeks later. Of the 23 political formations entitled to actively campaign on the radio or on advertising billboards, 17 came out in favour of a 'yes' vote in the referendum; this figure included all the main political parties, with the exception of the Communists.¹⁰⁰ Such strong support for the Constitution is, at first sight, quite deceptive, since it conceals the divisions and splits which occurred within certain movements as a result of the official party line taken. It also glosses over the complete turnabout in Socialist and Radical party attitudes, from determined opposition to de Gaulle's return to power in May 1958 to majority backing for the proposed Constitution in September - a point to which we shall shortly return. In addition, it should be acknowledged that the decision by some parties to back de Gaulle's project was influenced by a desire to court public opinion which, according to polls conducted before the ballot, was strongly pro de Gaulle.¹⁰¹ But perhaps the most important factor in uniting political forces behind the Constitution was the absence of viable alternatives; with the government clearly unable to cope with the Algerian crisis, de Gaulle seemed to be '*le seul arbitre possible*' in an ever-worsening situation.¹⁰²

Once de Gaulle had been granted exceptional powers and the process of drafting a new Constitution got underway, hostility on the Left and centre-Left lessened. Guy Mollet, General

Secretary of the SFIO, and Pierre Pflimlin of the MRP, were amongst those invited to help draw up the Constitution, a role which allowed them to actively oppose aspects of the text with which they disagreed. This helped to calm fears on the Left that de Gaulle was trying to impose a dictatorship. The MRP soon joined with the Gaullists, Social Republicans and other smaller factions of radicalism in declaring its support for the Constitution. Mollet's participation in the constitutional debates also succeeded in winning over the Socialists - with 69.3% approving a 'yes' vote at the party's fifth National Congress in September 1958.¹⁰³ However, the decision to back de Gaulle's Constitution was not without consequence, since it brought about a split within the party and some prominent members broke away to form the *Parti socialiste autonome*. The Radicals suffered a similar split, the only difference being that it was the leaders of the party who declared themselves '*unaniment hostiles aux déclarations du général de Gaulle*'.¹⁰⁴ Thus, when 56.8% of Radical party members voted in favour of the constitutional text in the hope that it would improve the chances for a more liberal policy in Algeria,¹⁰⁵ the leadership resigned. The party went on to elect a new President, Félix Gaillard, whilst its former leader, Pierre Mendès-France, joined with forty other left-wing opponents of the new regime, amongst them Daniel Mayer (SFIO) and François Mitterrand (UDSR) to form a cartel, on 7 July 1958, which was duly named '*l'union des forces démocratiques*'.¹⁰⁶

Both of these breakaway movements became active forces within the so-called '*cartel des non*', which comprised a broad spectrum of political groupings from the ultra conservative Poujadists to members of *La Ligue des droits de l'homme*. These smaller factions were overshadowed by the Communist party, which was the largest force opposing de Gaulle's Constitution. The PCF had vehemently attacked de Gaulle as '*le chef des ultras*',¹⁰⁷ following his refusal to condemn the actions of the *putschistes* in Algeria. At the end of May, the PCF joined with the CGT to organise mass demonstrations in France's major cities in the name of '*la défense républicaine*'. Despite the presence of the Communist party amongst its ranks, however, the '*cartel des non*' still lacked a coherent strategy of opposition, as well as 'money, resources, newspapers and activists',¹⁰⁸ and as a result, it failed to make much of an impression upon public opinion. Polls carried out after

the ballot reveal a great deal about the principal motivations of the 79.25% of the electorate which approved the Constitution in the September referendum. Far from reflecting a general belief in the principles behind the constitutional text, those who voted 'yes' had been primarily influenced by other factors, most importantly faith in the person of de Gaulle and fear of civil war in Algeria.¹⁰⁹

1.3 The introduction of universal suffrage

One of the greatest paradoxes characterising the nature of presidential power under the French Fifth Republic derives from the 1962 amendment, which introduced the direct election of the President by universal suffrage. For although this constitutional change did not involve any 'real' increase in the formal powers accorded to the President, its symbolic value transformed the presidency into the most powerful position in the French polity. Any President chosen by the people would be forced to transcend party political divides to appeal to the nation as a whole. As Duverger notes, *'situé aux carrefours de plusieurs systèmes de valeurs, qu'il cumule sur sa personne malgré leur contradictions, le président investi par le peuple bénéficie de tous, parce qu'il incarne de façon incontestable le principal entre eux'*.¹¹⁰ This notion of the President as the *'élu de la nation'* was strengthened by the need to proceed to a second ballot, if no candidate emerged with an absolute majority of votes in the first round of voting.

Although it is not clear exactly when de Gaulle first became convinced of the need to establish a system whereby the President of the Republic would be elected by universal suffrage,¹¹¹ he was certainly conscious of the potential opposition to such a project, even amongst his closest advisors and most ardent supporters. No attempt was made to tackle this issue when the Constitution was being drawn up in 1958; de Gaulle had learned from his Bayeux speech that the mere allusion to universal suffrage could lead to accusations from left-wing movements that he was harbouring dictatorial ambitions. Instead, de Gaulle approved Debré's proposal for a

President designated by an electoral college, made up of some 80,000 deputies, senators and local authority representatives.¹¹² In April 1961, however, encouraged by an upturn in the political climate as the Algerian conflict moved closer to resolution, de Gaulle publicly broached the subject of universal suffrage, by expressing his concern that the current method of presidential election would prove inadequate for his successor.¹¹³ An attempt on his life in August 1962 provided de Gaulle with precisely the opportunity he needed to argue that the direct election of the President by the people would be required to ensure institutional continuity. As the nation's saviour in 1940, de Gaulle maintained that he had gained a special historical legitimacy which justified his appointment as President of the Republic in 1958. This was, however, an exclusive type of legitimacy which he would be forced to take to the grave, and the remaining void could only be filled by a President elected by popular suffrage, described by Julliard as '*le seul substitut imaginable, le seul équivalent de la légitimité historique*'.¹¹⁴

There is, however, evidence to suggest that de Gaulle's 1962 amendment was not simply motivated by the will to institutionalise the concept of a President above party divides, but also by the desire to secure his own future legitimacy as President of the Republic. In a letter to John Rohr, François Luchaire drew upon his own experience working alongside de Gaulle during the drafting process to contend that the General did not believe his power came from an extended electoral college, but that it was based upon the combination of his historical legitimacy and the result of the referendum which approved the 1958 Constitution.¹¹⁵ Indeed, de Gaulle's declaration to the French, on 18 October 1962, did appear to turn the referendum into a vote of confidence in his leadership, as he threatened to resign if the amendment was rejected. As Malibeu explains, '*il suffit qu'au même moment une personnalité domine la scène politique pour que l'électeur plébiscite la personne du leader et se prononce beaucoup plus sur elle que sur le problème politique qui lui est posé*'.¹¹⁶ When only 62% of the electorate approved the change, de Gaulle was reportedly so disappointed that he contemplated resigning - such was his belief in popular sovereignty as a gauge of his legitimacy.¹¹⁷

Only too aware of the impact which de Gaulle's project would have upon the already ambiguous balance of power under the new Republic, Parliament overwhelmingly opposed the idea. There was considerable anger in the National Assembly towards what was generally interpreted as a transparent attempt by de Gaulle to use the threat of assassination as a means of justifying the elimination of '*le dernier verrou qui protégeait la souveraineté parlementaire*'.¹¹⁸ Some critics claimed that the project would see the Republic replaced by a kind of 'enlightened Bonapartism',¹¹⁹ whilst other former advocates of constitutional reform, such as Paul Coste-Floret, rejected the amendment in favour of an US-style presidency. Pierre Mendès-France also saw the introduction of universal suffrage as unnecessary, claiming that 'the French have no natural inclination to place unlimited power in the hands of a single individual'.¹²⁰ Even amongst those who agreed with the principle of popular election there were seeds of doubt as to the effect which such a change would have upon the regime. Vedel, for example, was in favour of universal suffrage, but he felt it would increase presidential power to such an extent that de Gaulle should renounce his right to dissolve the National Assembly in order to re-establish the balance of power between President, Government and Parliament.¹²¹

Parliamentary animosity was heightened by de Gaulle's deliberate misinterpretation of the constitutional text, which ensured that the amendment could not be rejected by a hostile Parliament. Instead of article 89, which requires any proposed amendment to the Constitution to be voted by both Chambers, de Gaulle chose to hold a popular referendum on universal suffrage according to article 11, which was inappropriate in this instance.¹²² He justified the use of article 11 by means of article 3 and '*le peuple souverain*,' even going so far as to accuse the parties of attempting to rob the electorate of their right to decide the nation's fate.¹²³ Since de Gaulle himself was shielded by article 68 of the Constitution, it was the government which felt the full force of parliamentary wrath when, on 4 October, a vote of no confidence in Prime Minister Pompidou's government was passed. De Gaulle's willingness to violate the letter of the Constitution which he had championed, and the inability of Parliament to directly sanction such presidential abuse set a precedent for other unconstitutional practices,¹²⁴ ably proving Ardant's

point that '*le gardien du texte en est nécessairement l'interprète*'.¹²⁵ These conventions, which had a considerable and lasting impact upon the balance of power between President and Premier, were the subject of some debate in the French press and will be discussed in more detail at the end of this section.

Observers like André Hauriou, regarded the 1962 amendment as the ultimate realisation of the presidentialist regime set out by de Gaulle in his Bayeux address. According to this interpretation, the official 1958 text represented a sufficiently vague temporary compromise which was agreeable to de Gaulle and the parliamentarians of the CCC.¹²⁶ Indeed, there is a strong case to argue that had de Gaulle not been willing to reassure the CCC that the President would not be able to dominate executive decision-making, it would have increased suspicions that he intended to manipulate the Constitution in order to establish a dictatorship and the whole drafting process may have been jeopardised. What Hauriou is suggesting, therefore, is that de Gaulle was consciously appeasing the CCC in 1958, knowing that once the Constitution had been adopted, he would be able to finesse it to fulfil his institutional objectives. It is certainly true that after de Gaulle's 1946 Epinal address, Blum had predicted that what the General meant by executive power was a President elected by universal suffrage. De Gaulle's contempt for the party system was consistent, as was his insistence upon the need for a President who could remain above the party fray. In theory, universal suffrage offered a means of ensuring the election of a President who would be both impartial and independent and, providing he had the right qualities, would become a true '*homme d'Etat*'.¹²⁷

Other commentators such as Nicholas Wahl dispute claims that de Gaulle was being duplicitous when he dismissed the possibility of a popularly elected President during the constitutional debates of 1958. He maintains that until 1962 de Gaulle had always been highly sceptical as to the possible merits and suitability of such a system within a French context.¹²⁸ Vedel and Goguel also reject the idea that the 1962 amendment was the fulfilment of a long-term political strategy which de Gaulle had pursued since 1946, but for a different reason - they look upon it as a logical

progression, given the way in which the regime had been evolving during its first four years of existence.¹²⁹ Both these arguments are undermined by de Gaulle's own admission, in the second volume of his memoirs, that he had always had universal suffrage in mind when he first began to draw up his institutional vision, but chose not to incorporate it into the 1958 Constitution for fear of damaging the popular consensus which had crystallised around his leadership at the time: *'il est vrai que, parlant à Bayeux en 1946 [...] puis en dirigeant en 1958 les travaux et les débats où s'élaborait la Constitution, je n'avais pas encore spécifié que le chef de l'Etat devrait être élu au suffrage universel. C'est qu'en effet je jugeais préférable de ne pas tout faire à la fois [...], je jugeais bon de tenir compte des préventions passionnées que, depuis Louis Napoléon, l'idée de plébiscite soulevait dans maintes secteurs de l'opinion'*.¹³⁰

1.3.1 Conventions

'Il y a bien une gestion des Constitutions, distincte de leur élaboration, et qui révèle des virtualités insoupçonnées de leurs auteurs mêmes et qui en font une réalité vivante'.¹³¹

René Rémond

Political conventions constitute another crucial element in the development of modern French presidentialism, although it should perhaps be added that these are by no means unique to de Gaulle's Fifth Republic.¹³² The notion of a convention or custom may be used to describe any exercise of political power, which has come to be accepted as the 'norm', even though it does not clearly conform to constitutional guidelines. Conventions may be quickly established, one single instance is often enough to set a precedent for the repeated exercise of the same prerogative. Likewise, conventions themselves may, in certain circumstances, be replaced either by new conventions or by a return to the original interpretation of the constitutional text. The example touched upon in our earlier discussion concerned de Gaulle's misuse of article 11 to hold a referendum in 1962 on the introduction of universal suffrage.¹³³ There are, however, other instances when de Gaulle's interpretation of his powers was not supported convincingly by

constitutional guidelines,¹³⁴ the most important of which concern the division of responsibilities between President and Prime Minister. As we will see, de Gaulle's determination to impose his own presidential reading of the Constitution upon the regime transformed the Prime Minister into little more than an executor of presidential orders or, as Georgel puts it, '*un exécutant qui paie les pots cassés*'.¹³⁵

The supreme authority of the Head of State over foreign affairs and defence policy is not only the most widely recognised of all presidential prerogatives, it also represents the area of greatest political continuity under the Fifth Republic. The notion of the '*domaines réservés*', as these fields of policy-making have come to be known, dates back to the first Gaullist party conference in 1959. In a speech to party delegates, Jacques Chaban-Delmas, then President of the National Assembly, declared that all political activity could be divided into two separate categories. The first, which he referred to as the presidential '*domaine réservé*', covered Algeria, the Community, foreign affairs and defence. The second, much broader category encompassed all other fields of political decision-making. Chaban-Delmas summarised the level of government initiative in each area as follows: '*dans le secteur numéro 1, le gouvernement exécute, dans l'autre il conçoit*'.¹³⁶

The constitutional reality of presidential power in the fields of foreign affairs and defence is, however, rather less clear-cut than Chaban-Delmas' statement implies. Although article 15 does assert that '*le président de la République est le chef des armées...il préside les conseils et les comités supérieurs de la Défense nationale*', it appears to be contradicted by articles 20 and 21, which state respectively that '*le gouvernement dispose de la force armée*' and '*le Premier ministre est responsable de la Défense nationale*'. The same apparent division of powers between President and Prime Minister applies to diplomacy; the President controls the negotiation and ratification of international treaties (article 52), whilst the Prime Minister heads the government which '*détermine et conduit la politique de la nation*' (article 20). In reality, de Gaulle soon established a convention whereby in matters of national security or international relations, his authority was undisputed. This is consistent with the view expressed by de Gaulle in his 1932

publication, *Le Fil de l'Épée*, in which he argued that military questions were far too important to be decided by politicians, whose judgement would be determined by political affiliations.¹³⁷ The symbolic value of the 1962 amendment bestowed a unique political legitimacy upon the President of the Republic which, Duverger rightly asserts, transformed the nature of the regime set out in the 1958 Constitution.¹³⁸ As the only member of the executive to be directly chosen by the electorate, de Gaulle was able to justify his control of foreign and defence policy on the grounds that these were areas requiring the kind of continuity and vision that only he had the mandate to provide. It also allowed him to extend his interventions to include domestic policy-making.

Returning to the fundamental question of the appointment and dismissal of the Prime Minister raised in the previous section, it may be argued that the introduction of universal suffrage also provided de Gaulle with a means of defending his ability to dismiss the Prime Minister despite constitutional language to the contrary, as his legitimacy now equalled that of Parliament. As Prime Minister between 1958 and 1962, Debré maintained that he had enjoyed a 'free hand' in all matters of internal affairs, holding regular meetings of the Cabinet Council from which the President was absent, to discuss government policy objectives.¹³⁹ Following Debré's resignation,¹⁴⁰ however, de Gaulle's grip upon the government tightened, Cabinet Council meetings were abandoned and the Prime Minister became increasingly subordinate to the will of the President. The starkest confirmation of this increase in the level of presidential control over the executive came during a press conference held by de Gaulle in 1964.

1.4 The 1964 press conference

In retrospect, it is easy to regard members of the CCC, who believed that the 1958 Constitution alone would determine the scope of presidential power under the Fifth Republic, as politically naive. If we cast our minds back to the repeated assurances given by de Gaulle and his advisors during the drafting process, however, we may begin to understand why many parliamentarians

failed to appreciate fully the Constitution's potential for manipulation. Setting out his conception of the respective roles of Head of State and government at a press conference in January 1964, de Gaulle painted a radically different picture of the French polity to that anticipated by the 1958 constitutional committee. His comments put paid to any notion of an executive dyarchy since the President, or '*l'homme de la nation*', as de Gaulle modestly put it, had become the centre of political power following the 1962 constitutional reform - '*l'esprit de la Constitution nouvelle consiste, tout en gardant un Parlement législatif, à faire en sorte que le pouvoir ne soit plus la chose des partisans, mais qu'il procède directement du peuple, ce qui implique que le chef de l'Etat, élu par la nation, en soit la source et le détenteur*'. The Prime Minister was depicted as a quasi-chief of staff, who owed his position to the President and, therefore, could not resist a presidential request for his resignation - '*soit parce que se trouve achevée la tâche qu'il lui destinait [...], soit parce qu'il ne l'approuverait plus*'.¹⁴¹ De Gaulle also went on to state that it was the President's role to appoint members of the government, disregarding the official wording of article 8 of the Constitution, which clearly attributes this formal responsibility to the Premier.

In his press conference, de Gaulle justified his interpretation of the Constitution, whereby '*le Président est seul à détenir et à déléguer l'autorité de l'Etat*', by stating that the theory behind the text would necessarily differ from its practical implementation due to the personal style and political agenda of the President himself - '*il est vrai que, concurremment avec l'esprit et avec le texte, il y a eu la pratique. Celle-ci a naturellement tenu pour une part aux hommes. Pour ce qui est du chef de l'Etat, il est bien évident que son équation personnelle a compté et je doute que, dès l'origine, on ne s'y attendît pas*'. The last part of this statement is especially significant because it appears to confirm the point made earlier on in our discussion that de Gaulle had never intended to remain faithful to a parliamentary reading of the Constitution, despite his assurances to the CCC in 1958. His rejection of the possibility that anyone could have been surprised by the way in which the regime had worked in practice may be interpreted as an indirect admission that he had always known he would be able to manipulate the text to extend the powers of the President so that he became the undisputed head of the French executive.

Pre-empting demands for the introduction of a US system of checks and balances that would prevent such an over-concentration of power in the hands of one individual, de Gaulle was careful to point out that such a system was incompatible with the nature of French politics.¹⁴² Critics, however, found these explanations unsatisfactory; some felt that they had just witnessed the definition of an entirely different Constitution to that which had been democratically adopted six years previously. As Lacouture notes, '*on ne peut pas avoir entendu ce chef de l'Etat [...] sans avoir ressenti là comme une immense restauration de siècles de pouvoir monarchique*'.¹⁴³

One of the first parliamentarians to openly denounce de Gaulle's remarks was François Mitterrand, a well-respected politician and member of the UDSR movement. In a vehement attack, which appeared the following day in the pages of *Le Monde*, Mitterrand accused de Gaulle of extreme complacency in his adherence to 1958 constitutional guidelines. Furthermore, he maintained that the press conference was nothing short of '*une apologie du pouvoir personnel*' and likened de Gaulle's concept of presidential power to a modern day manifestation of Bonapartism.¹⁴⁴ Mitterrand's contempt for the style of regime which was emerging under de Gaulle's presidency prompted him to publish a scathing assault upon de Gaulle and his 'exploitation' of French institutions, entitled *Le Coup d'Etat permanent*. In this book, Mitterrand sought to expose what he saw as de Gaulle's seduction of the French nation by means of patriotic rhetoric and the glorification of his role in the Second World War. Mitterrand argued that parliamentary prerogatives had been sufficiently reduced under the Fifth Republic so as to render the President 'politically infallible', and able to impose his will upon all aspects of French political life.¹⁴⁵ This criticism included de Gaulle's control over government affairs and, more specifically, his dismissal of Premier Debré who was proving too independent. It also extended to de Gaulle's refusal to consult or inform ministers of important decisions which he had taken, before announcing them publicly.¹⁴⁶ Quite simply, Mitterrand considered such a highly personalised regime as a threat to civil liberties, as the French no longer identified de Gaulle with France, but had begun to associate France with de Gaulle.¹⁴⁷

De Gaulle's press conference in January 1964 received an equally hostile reception from the left-wing press. Both *Libération* and *Le Populaire* attacked his concept of presidential power for being '*aucunement démocratique*'.¹⁴⁸ Even supporters of de Gaulle's Fifth Republic, like Maurice Duverger, had not fully anticipated de Gaulle's interpretation of the presidential role.¹⁴⁹ One could, of course, argue that de Gaulle's forceful personality, as well as his earlier public remarks that '*la nature des choses est plus forte que les textes constitutionnels*', all strongly suggested that his participation in French political life would not be strictly limited to the arbitrational role set out in the 1958 Constitution.¹⁵⁰ For politicians like François Mitterrand, who had challenged highlighted the problematic ambiguity of the Fifth Republic's Constitution from the moment it was presented to Parliament, de Gaulle's comments merely confirmed their worst fears - that the unofficial, 'verbal' Constitution of 1964, depicting a politically powerful President and a submissive Prime Minister, would henceforth become the accepted model for the relationship to power of successive Presidents under the Fifth Republic.

1.5 Concluding remarks

Our discussion has shown how de Gaulle's power as the President of the Fifth Republic was originally based upon his so-called 'presidential' interpretation of constitutional guidelines and the unique personal authority conferred upon him by both the French people and political parties in the 1958 referendum. Having witnessed the negative political reactions to his calls for a strong presidency at Bayeux and Epinal, de Gaulle had to ensure that his 1958 Constitution sufficiently enhanced the powers of the President, but without arousing parliamentary concern that this might threaten the supreme sovereignty of the National Assembly. Our examination of those key presidential prerogatives debated by the CCC showed how de Gaulle and his ministers succeeded in convincing sceptical parliamentarians that this strengthening of presidential power would in no way allow the Head of State to dominate executive decision-making. This resulted in

a constitutional text which managed to place a form of presidential politics into a long-standing parliamentary system, in which the offices of Prime Minister and government remained constitutionally responsible to Parliament. Thanks to the inherent interpretability of Constitution, however, de Gaulle had at his disposal the basic foundations on which to build his presidential power, whilst the dramatic political situation created by the Algerian crisis offered him the means of justifying his reading of the text. And with the political backing of the Gaullist party to support his actions, de Gaulle's long-standing vision for a strong, authoritative presidency finally became an institutional reality despite left-wing expectations to the contrary.

The 1962 amendment lent the presidency a new symbolic dimension which not only transcended constitutional guidelines, but also extended beyond de Gaulle's persona ensuring that presidential pre-eminence became a permanent feature of the Fifth Republic. The President's symbolic authority was undoubtedly enhanced by the way in which de Gaulle presented himself to the French as an exceptional individual whose unique visionary qualities justified his supremacy within the regime. His depiction of the presidential role was an important factor in shaping the nature of presidential power within the regime as it brought to the centre of the political system a view of leadership which was highly personalised and quasi-mythical. As we will see the following chapter, it was a model to which contenders for the presidency were obliged to conform in order to compete effectively for power in the new presidential regime.

Notes to Chapter One

¹ In the referendum held on 28 September 1958, 85.1% of voters approved de Gaulle's new Constitution. The abstention rate was 15%. See *La Constitution française du 4 octobre 1958* (Paris: La Documentation française, 1995), p.1.

² It has been argued that the referendum was more of a plebiscite for de Gaulle who was perceived as the only individual capable of resolving the Algerian crisis. See Maurice Duverger, *La Sixième République et le régime présidentiel*, (Paris: Fayard, 1961), p.93.

³ See Serge Bernstein & Odile Rudelle, *Le Modèle républicain* (Paris: Presses Universitaires de France, 1992), p.390.

⁴ See Charles de Gaulle, *Lettres, notes et carnets*, 3 vols (Paris: Plon, 1980) I, pp.72-3, 232-233, 273-274 and, in particular, the letters to his mother (November 1915 and January 1916).

⁵ This call for national unity was one of the central themes of de Gaulle's book *La Discorde chez l'ennemi* (Paris: Librairie Berger-Levrault, 1924).

⁶ Charles de Gaulle, *Vers l'armée de métier* (Paris: Plon, 1934), p.229.

⁷ Jean-Louis Debré, *Les Idées constitutionnelles du général de Gaulle* (Paris: Librairie générale de droit et de jurisprudence, 1974), p.5.

⁸ Charles de Gaulle, *Le Fil de l'épée* (Paris: Librairie Berger-Levrault, 1932), p.48.

⁹ *Ibid.*, p.77.

¹⁰ 'Une doctrine construit dans l'abstrait rendait aveugles et passifs des chefs qui, en d'autres temps, avaient largement fait preuve d'expérience et d'audace'. *Ibid.*, p.108.

¹¹ *Ibid.*, p.57.

¹² This move was influenced by the need to convince the Allies of the legitimacy of de Gaulle's Resistance movement. The inclusion of representatives, who had been democratically elected by the nation under the Third Republic, was one solution to this problem. See Bernstein & Rudelle, p.361.

¹³ This project was drafted in January 1944 and published by Plon in 1945 under the title, *Refaire la France: l'effort d'une génération*.

¹⁴ Charles Zorgbibe, *De Gaulle, Mitterrand et l'esprit de la Constitution* (Paris: Hachette, 1993), p.23.

¹⁵ For a comprehensive analysis of the extent and limits of presidential power under the US political system see R. Tatalovich, & B.W. Daynes, *Presidential Power in the US* (Belmont: Wadsworth, 1984).

¹⁶ Michel Debré, *Refaire la France*, p.122.

¹⁷ *Ibid.*, pp.116 & 123.

¹⁸ 'Il ne fait rien de ce qui ne lui soit conseillé, il ne refuse rien de ce qui lui est demandé. Il ne commande pas la nation. Il en est l'étendard. Il n'est pas l'autorité, mais la stabilité, la permanence et l'unité'. Ibid., p.116.

¹⁹ Ibid., p.120.

²⁰ Ibid., p.123.

²¹ Michel Debré had favoured a return to the majority voting system. De Gaulle, however, felt this would produce a landslide Communist / Gaullist victory given the public mood of the time. Hence, de Gaulle introduced PR in the hope of ensuring a more even distribution of seats, even if this was at the expense of his own movement. See A. Cole, & P. Campbell, *French Electoral Systems and Elections since 1789* (Aldershot: Gower, 1989), p.79.

²² Jean Lacouture, *De Gaulle II. Le politique 1944-1959* (Paris: Seuil, 1985), p.205.

²³ J-L Debré, *Les Idées constitutionnelles du général de Gaulle*, p.80.

²⁴ According to J-L Debré, the 'Bayeux Constitution' was based upon a project presented to de Gaulle by Michel Debré on 14 January 1946. For a full discussion of the central ideas of this text see Jean-Louis Debré, *La Constitution de la Cinquième République* (Paris: Presses Universitaires de France, 1975), pp.25-31.

²⁵ Returning from a meeting with de Gaulle in January 1946, André Malraux told Raymond Aron that de Gaulle intended to be back in office within six months. See Raymond Aron, *Mémoires: 50 ans de réflexion politique* (Paris: Julliard, 1983), p.211.

²⁶ Claude Mauriac, *Aimer de Gaulle* (Paris: Hachette, 1970), p.297.

²⁷ For a fuller discussion of restrictions upon presidential power under the Third Republic see D. Thomson, *Democracy in France: The III and IV Republics* (Oxford: Oxford University Press, 1952).

²⁸ The election of the President by an enlarged electoral college was first suggested to de Gaulle by Michel Debré in a note dated 19 December 1945. See J-L Debré, *La Constitution de la Cinquième République*, p.14.

²⁹ 'C'est donc du chef de l'Etat [...], que doit procéder le pouvoir exécutif'. Discours de Bayeux, 16 June 1946 cited in full in *La Constitution française du 4 octobre 1958*, p.22-23.

³⁰ Véronique Alibert-Fabre, 'La pensée constitutionnelle du général de Gaulle à <<l'épreuve des circonstances>>', *RFSP*, 40 (1990), 699-712 (p.704).

³¹ See *Débat sur les institutions politiques de la France le 22 février 1964* (Paris: L'Association française de science politique, 1964), p.26.

³² In his Bayeux address, de Gaulle notes that 'si cette grande œuvre fut réalisée en dehors du cadre antérieur de nos institutions, c'est parce que celles-ci n'avaient pas répondu aux nécessités nationales et qu'elles avaient d'elles-mêmes abdiqué dans la tourmente. Le salut devait venir d'ailleurs'.

³³ See M. Lyons, *Napoleon Bonaparte and the Legacy of the French Revolution* (Basingstoke: Macmillan, 1994), p.111.

³⁴ Opinion polls show a high level of support for the signature of the German armistice and the inauguration of the Vichy regime. According to officially recognised statistics gathered after the war, the level of active participation in the Resistance never totalled more than 2% of the adult French population. See Gordon Wright, 'Reflections on the French Resistance', *Political Science Quarterly*, 77 3, 336-49.

³⁵ 'Le salut venait [...] d'une élite qui, bien au-dessus de toute préoccupation de parti ou de classe, se dévoua au combat pour la libération, la grandeur et la rénovation de la France'. Discours de Bayeux, 16 June 1946.

³⁶ See Lacouture, *De Gaulle II*, p.273.

³⁷ *L'Année politique 1946* (Paris: Editions du Grand Siècle, 1947), pp.163-164.

³⁸ Ibid.,

³⁹ Ibid.,

⁴⁰ Ibid.,

⁴¹ As reported in *Le Monde*, 19 June 1946, p.3.

⁴² Jean Charlot, *Le gaullisme d'opposition 1946-1958* (Paris: Fayard, 1983), p.57.

⁴³ 'Nous avons pris comme principe politique qu'il n'appartenait qu'au peuple français de décider de ses institutions, et qu'une fois réalisée la libération du pays et remporté la victoire, nous lui rendrions la disposition pleine et entière lui-même'. Charles de Gaulle, Speech at Epinal, 29 September 1946. For the full text see Charles de Gaulle, *Discours et messages 1946-1958*, 5 vols (Paris: Plon, 1970), II, pp.26-33.

⁴⁴ Alibert-Fabre, p.702.

⁴⁵ As reported in *Le Monde*, 8 October 1946, p.1.

⁴⁶ Léon Blum writing in *Le Populaire*, 5 October 1946. Ibid.,

⁴⁷ Vincent Auriol cited in *Le Monde*, 4 October 1946, p.4.

⁴⁸ *Le Monde*, 5 October 1946, p.3.

⁴⁹ For details of this breakdown in MRP-Union gaulliste relations see *L'Année politique 1946* (Paris: Ed. du Grand Siècle, 1947), pp.246-7.

⁵⁰ Florimond Bonte of the PCF quoted in *Le Monde*, 1 October 1946, p.8.

⁵¹ Maurice Duverger, *Les Constitutions de la France*, 3rd ed (Paris: Presses Universitaires de France, 1950), p.114.

⁵² Nick Hewlett, *Modern French Politics: Analysing Conflict and Consensus since 1945* (Cambridge: Polity Press, 1998) p.49.

⁵³ See Charles de Gaulle, *Mémoires d'espoir: le renouveau 1958-1962* (Paris: Plon, 1970).

⁵⁴ Michel Debré in *The Fifth Republic at Twenty*, edited by W.G. Andrews (Albany: State University of New York Press, 1982), pp.16-17.

⁵⁵ For details of the members of the CCC and how they were chosen see *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, 3 vols (Paris: La Documentation française, 1987), II, pp.13-19.

⁵⁶ Zorgbibe also argues that the abandonment of dissolution after 1877 reflected a deep-seated contempt for the electorate who were subsequently pushed out of the political picture. Zorgbibe, *De Gaulle, Mitterrand et l'esprit de la Constitution*, pp.19-20.

⁵⁷ In a meeting held on the 23 June 1958. See *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, I, p.277.

⁵⁸ 'Le Président de la République est un arbitre. Il ne doit pas dissoudre à tout moment le Gouvernement. C'est seulement quand il estime que les circonstances sont exceptionnelles qu'il dispose de ce pouvoir'. Ibid., p.278.

⁵⁹ Jacques Fournier, 'Politique gouvernementale: les trois leviers du Président', *Pouvoirs*, 41 (1987), 63-74.

⁶⁰ This expression was employed by Michel Debré during a debate, which was later transcribed in Andrews, *The Fifth Republic at Twenty*, p.502.

⁶¹ 'C'est par la subordination commune du Président et de la majorité parlementaire à la volonté populaire que se rétablit finalement l'unité de l'Etat et la cohérence de la politique nationale'. René Capitant quoted in Zorgbibe, *De Gaulle, Mitterrand et l'esprit de la Constitution*, p.44.

⁶² De Gaulle, *Mémoires d'espoir: l'effort 1962-*, p.34.

⁶³ M. Debré in Andrews, *The Fifth Republic at Twenty*, p.17.

⁶⁴ To quote Lacouture's rather eloquent summary of the referendum's ability to undermine party political power: 'où passe le référendum, le parti trépassé. Laminé et dissolvant, il dissipe, concasse et balaie'. Lacouture, *De Gaulle II*, p.594.

⁶⁵ J-L Debré, *La Constitution de la Cinquième République*, p.283.

⁶⁶ See also Gérard Conac, 'Les débats sur le référendum sous la Cinquième République', *Pouvoirs*, 77 (1996), 95-108.

⁶⁷ Article 46 of the 1946 Constitution. For a fuller discussion of both presidential and prime ministerial powers under the Fourth Republic see P.M. Williams, *Crisis and Compromise: Politics in the Fourth Republic* (London: Longman, 1964), pp.195-207.

⁶⁸ See *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, II, p.96.

⁶⁹ Ibid., p.300.

⁷⁰ Ibid.,

⁷¹ 'Etant désigné, il lui (le premier ministre) appartient de former son gouvernement. Si le premier ministre demande la révocation d'un de ses ministres, le Président signe le décret, comme il l'a

signé pour nommer les ministres sur la proposition du premier ministre. Il ne peut pas le faire de son propre chef'. Ibid.,

⁷² For full text of this letter see *La Constitution française du 4 octobre 1958*, pp.13-15.

⁷³ In a meeting on 19 June 1958. See *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, I, p.271.

⁷⁴ Originally, the article had read '*le Président de la République nomme le Premier ministre. Sur proposition du Premier ministre, il nomme les autres membres du gouvernement et met fin à leurs fonctions*'. The CCC amendment most certainly aimed at placing a greater check on the President's ability to dismiss the government.

⁷⁵ For a fuller discussion of these articles see the collection of texts and commentaries about article 16 entitled *L'article 16 de la Constitution* (Paris: La Documentation française, 1994), pp.3-4.

⁷⁶ '*Et si M. Lebrun avait été à Alger, émanant avec lui la légitimité, la République, messieurs, celui qui est ici n'aurait pas eu à jouer le rôle qu'il a été obligé de jouer, faute que personne d'autre pût le jouer, et alors qu'il eût été normal que ce fût le chef de l'Etat qui le joue*'. Ibid., p.5.

⁷⁷ This amendment was approved by all but one member of the CCC, on 8 August 1958. For the full transcript of the debate see *L'article 16 de la Constitution*, pp.4-8.

⁷⁸ J-L Debré, *La Constitution de la Cinquième République*, p.141.

⁷⁹ See de Gaulle's address before the CCC, 8 August 1958 reproduced in *L'article 16 de la Constitution*, p.5.

⁸⁰ See the debate which followed de Gaulle's address, on 8 August 1958, Ibid., pp.6-8.

⁸¹ This expression was used by Guy Mollet who was in favour of the inclusion of article 16.

⁸² See Léon Noël, *De Gaulle et les débuts de la Cinquième République 1958-1965* (Paris: Plon, 1976), pp.139-172.

⁸³ Cited in *L'article 16 de la Constitution* (Paris: La Documentation française, 1994), p.5.

⁸⁴ See Maurice Duverger, *Echec au roi*, (Paris: Albin Michel, 1978), p.150 and '*L'article 16 et ses limites*', *Le Monde*, 5 May 1961, pp.1 & 4.

⁸⁵ See the article by Roger Pinto, '*L'article 16 et la réforme de la Constitution*' in *Le Monde*, 25 May 1961, p.3.

⁸⁶ Ardant, '*L'article 5 et la fonction présidentielle*', *Pouvoirs*, 41 (1987), 37-62 (p.38).

⁸⁷ See *La Constitution française du 4 octobre 1958*.

⁸⁸ '*Pour que le Président de la République puisse remplir de tels devoirs, il faut qu'il ait la charge d'être, quoi qu'il arrive, le garant de l'indépendance nationale, de l'intégrité du territoire et des traités signés par la France*'. See de Gaulle's speech at Epinal in *Le Monde*, 1 October 1946, p.1.

⁸⁹ Hayward, p.47.

⁹⁰ See *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, II, p.300.

⁹¹ *Débat sur les Institutions politiques de la France le 22 février 1964*, pp.2 & 10.

⁹² This debate took place on 31 July 1958. See *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, II, p.88.

⁹³ Ardan, 'L'article 5 et la fonction présidentielle', p.41

⁹⁴ This expression was used by Debré to define the presidential function in his speech before the Council of State, the 27 August 1958.

⁹⁵ See articles 13 + 15 and 20 + 21 of the 1958 Constitution.

⁹⁶ Duverger, *Echec au roi*, p.22.

⁹⁷ *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, II, p.96.

⁹⁸ 'Le chef de l'Etat est chef de la force armée, mais il l'est nominalement, tandis que le pouvoir réel doit appartenir au Gouvernement'. *Documents pour servir à l'histoire de l'élaboration de la Constitution du 4 octobre 1958*, III, p.81.

⁹⁹ Léo Hamon, Regards nouveaux sur les origines de la Cinquième République, *Revue du droit public et de la science politique en France et à l'étranger*, (1975), 410-426 (p.416).

¹⁰⁰ See *Le Monde*, 6 September 1958, p.3.

¹⁰¹ In a public opinion poll taken before the ballot, 56% of people said they were in favour of the project, only 6.5% said they opposed it.

¹⁰² Triboulet of the *Parti Républicain socialiste*, quoted in *Le Monde*, 22 May 1958, p.3.

¹⁰³ *Le Monde*, 16 September 1958, p.1.

¹⁰⁴ See *Le Monde*, 21 May 1958, p.4.

¹⁰⁵ See *Le Monde*, 14-15 September 1958, p.1.

¹⁰⁶ 'L'Union des forces démocratiques est constituée', *Le Monde*, 9 July 1958, p.4.

¹⁰⁷ *Le Monde*, 21 May 1958, p.4.

¹⁰⁸ Serge Bernstein, *The Republic of de Gaulle 1958-1969*, trans. by Peter Morris (Cambridge: Cambridge University Press, 1993).

¹⁰⁹ *Ibid.*, p.12.

¹¹⁰ Duverger, *Echec au roi*, p.74.

¹¹¹ In the second volume of his memoirs, published posthumously, de Gaulle states rather ambiguously that '*depuis longtemps, je crois que le seul moyen est l'élection par le peuple du Président de la République*'. See *Mémoires d'espoir: l'effort 1962-*, p.29.

¹¹² Article 6 of the 1958 Constitution.

¹¹³ 'Je reconnais pour ma part, qu'il y aurait en effet dans ce mode de désignation du chef de l'Etat qui viendra après moi quelque chose d'inadéquat'. Charles de Gaulle cited in *Le Monde*, 2 April 1961, p.1.

¹¹⁴ Julliard, J., 'La Tentation du Prince-Président', *Pouvoirs*, 41 (1987), 27-36 (p.35).

¹¹⁵ Letter of 20 October 1992 from M. Luchaire to John A. Rohr. See Rohr, 'Executive power and republican principles at the founding of the Fifth Republic', *Governance*, 7 2 (April 1994) 113-133 (p.133).

¹¹⁶ Albert Malibeu in Léo Hamon, *La Personnalisation du pouvoir* (Paris: Presses Universitaires de France, 1964), p.35.

¹¹⁷ According to Lacouture, J., *De Gaulle III. Le Souverain 1959-1970* (Paris: Seuil, 1986), p.590.

¹¹⁸ Alibert Teyssier, *La Cinquième République: de de Gaulle à Chirac* (Paris: Pygmalion, 1995), p.41.

¹¹⁹ Gaston Monnerville quoted in P. Thody, *French Caesarism: From Napoleon I to Charles de Gaulle* (Basingstoke: Macmillan, 1989), p.140.

¹²⁰ Pierre Mendès-France, *La République moderne*, (Paris: Gallimard, 1962), p.30.

¹²¹ Georges Vedel in *Débat sur les institutions politiques de la France le 22 février 1964*, pp.1-4.

¹²² De Gaulle's own admission that the members of the National Assembly 'voudront me faire la peau', convey the depth of parliamentary hostility to the amendment. Quoted in Lacouture, *De Gaulle III*. p.575.

¹²³ De Gaulle, *Mémoires d'espoir: l'effort 1962-*, p.41.

¹²⁴ The only way the Constitution may be used to sanction the President is in the case of the latter being found guilty of high treason according to article 68.

¹²⁵ Ardant, 'L'article 5 et la fonction présidentielle', p.41.

¹²⁶ André Hauriou quoted in J-C Maitrot, *Les Conférences de presse du général de Gaulle* (Paris: Presses Universitaires de France, 1969), p.2.

¹²⁷ Jean-Louis Quermonne, 'La présidence de la République et le système des partis', *Pouvoirs*, 41 (1987), 93-113 (p.96).

¹²⁸ According to Nicholas Wahl, de Gaulle did not favour universal suffrage because i) he did not wish to copy the US system ii) he believed it would strengthen the hold of political parties upon political life and iii) he did not consider the electorate capable of making such an important decision. See Jean Lacouture, *De Gaulle III*, p.573.

¹²⁹ *Débat sur les institutions politiques de la France le 22 février 1964*, pp.1 & 2

¹³⁰ De Gaulle, *Mémoires d'espoir, L'effort 1962-*, p.18-20.

¹³¹ Rémond, 'La Gestion des Constitutions', *Pouvoirs* 50 (1989) 43-52 (p.51).

¹³² For a more detailed an analysis of constitutional conventions past and present see Yves Meny's informative article 'Les Conventions de la Constitution', which appeared in *Pouvoirs*, 50 (1989) 53-68.

¹³³ For a balanced analysis of the possible misuse of article 11 see 'Le respect de la Constitution', *Le Monde*, 19 September 1962, pp.1 & 5 and Maurice Duverger, 'La Succession: la forme et le fond', *Le Monde*, 4 September 1962, p.1 & 4.

¹³⁴ For a full discussion of violations of the Constitution during de Gaulle's presidency see Zorgbibe, *De Gaulle, Mitterrand et l'esprit de la Constitution*, pp.50-56.

¹³⁵ Jacques Georgel, *La Cinquième République: une démonarchie* (Paris: Librairie générale de droit et de jurisprudence, 1990), p.79.

¹³⁶ *Ibid.*, p.101.

¹³⁷ See Charles de Gaulle, *Le Fil de l'Épée*, p.134.

¹³⁸ 'Élu du peuple, on ne peut plus interpréter ses pouvoirs dans le cadre d'un système parlementaire'. Maurice Duverger, *Débat sur les institutions politiques de la France le 22 février 1964*, p.34.

¹³⁹ M. Debré in Andrews, *The Fifth Republic at Twenty*, p.20.

¹⁴⁰ The full text of Debré's letter of resignation may be found in Didier Maus, *La Pratique institutionnelle de la Cinquième République* (Paris: La Documentation française, 1993), p.47.

¹⁴¹ This notion that the President 'owns' the Prime Minister, which de Gaulle emphatically denied in 1958, was unashamedly reiterated in his memoirs - '*étant donné l'importance et l'ampleur des attributions du Premier ministre, il ne peut être que <<le mien>>*'. Charles de Gaulle, *Mémoires d'espoir: le renouveau 1958-1962*, p.287.

¹⁴² 'Comment ce régime conviendrait-il à la nation française, très fortement centralisée par le long effort des siècles, victime de toutes les secousses intérieures et extérieures depuis sept générations, toujours exposée à s'en subir d'autres, et où les multiples partis politiques [...] sont divisés et inconsistants?' De Gaulle, Press Conference, 31 January 1964 cited in full in *La Constitution française du 4 octobre 1958*, pp.25-26.

¹⁴³ Lacouture, *De Gaulle III*, p.614.

¹⁴⁴ See the review of reactions to de Gaulle's press conference entitled 'Parmis les personnalités politiques', *Le Monde*, 2-3 February 1964, p.4.

¹⁴⁵ Mitterrand, *Le Coup d'Etat permanent*, p.192.

¹⁴⁶ *Ibid.*, p.100.

¹⁴⁷ *Ibid.*, p.79.

¹⁴⁸ See *Le Monde*, 2-3 February 1964, p.4.

¹⁴⁹ Duverger, M., *La Sixième République et le régime présidentiel* (Paris: Fayard, 1961), pp.71-2.

¹⁵⁰ Charles de Gaulle made this comment during a press conference on the 5 September 1960. See Matriot, p.4.

Chapter 2

OPPOSITION TO PRESIDENTIAL POWER: FRANÇOIS MITTERRAND (1958-1969)

If de Gaulle's return to power in June 1958 and the inauguration of the Fifth Republic's institutions received the support of the majority of *députés* in the National Assembly, a minority of politicians refused to rally to de Gaulle and his new regime. Amongst the more prominent members of this opposition group was François Mitterrand, leader of the small and somewhat heterogeneous UDSR movement and former minister under the Fourth Republic.¹ From 1958 onwards, Mitterrand quickly emerged as one of de Gaulle's most vociferous critics. A closer examination of his relationship to de Gaulle's institutions, however, reveals a more complex picture, with Mitterrand being forced to continually reassess and modify the nature of his opposition to the regime between 1958 and 1968. At the outset, Mitterrand's criticisms were highly personalised, centring mainly upon what he viewed as the illegality of de Gaulle's accession to power during the Algerian crisis, and the dictatorship which he aimed to impose upon the French by means of a highly ambiguous Constitution. Following the introduction of universal suffrage in 1962, however, Mitterrand was forced to accept the permanence of the regime. As a result, the focus of his opposition changed and he began to combat the new presidential system from within, by actively involving himself in the Fifth Republic's public and parliamentary debates, as well as national consultations. This revised stance brought with it problems of clarity and coherence; for although Mitterrand continued to denounce the Constitution's presidential bias, he was obliged to embrace some of the highly-personalised practices to which it gave rise, in order to compete effectively for the power to change the regime. These tensions and ambiguities, which characterised Mitterrand's strategy of 'opposition through participation', were brought to the fore during his 1965 presidential campaign and again in May 1968, when the climate of social unrest and political chaos provided Mitterrand with an

opportunity to offer France an alternative to Gaullist rule. Despite being unsuccessful in both instances, Mitterrand nonetheless gained a valuable insight into the nature and dynamics of presidential politics.

This chapter will trace the evolution of Mitterrand's relationship to the Fifth Republic during its first decade in existence. Focusing principally upon his speeches, interviews and writings from this period, we will also examine political and public reactions to Mitterrand's opposition and the way in which these may, in turn, have influenced his views or actions. In this way, we may understand how Mitterrand, whose initial reaction to the Fifth Republic's inauguration had been one of condemnation and rejection, gradually began to adapt to the regime, and eventually emerged as an ardent defender of the presidential Constitution he had formerly opposed.

2.1 1958: Mitterrand and republican resistance

'Lorsque, le 10 septembre 1944, le général de Gaulle s'est présenté devant l'Assemblée consultative issue des combats de l'extérieur ou de la Résistance, il avait auprès de lui deux compagnons qui s'appelaient l'honneur et la patrie. Ses compagnons d'aujourd'hui [...] se nomment le coup de force et la sédition'.

François Mitterrand, 1 June 1958, address before the National Assembly²

These strong words, spoken by François Mitterrand in the National Assembly on the day of de Gaulle's official investiture, clearly convey his sense of outrage concerning the circumstances surrounding de Gaulle's return to power. Unlike 1944, when de Gaulle's heroic leadership of the Resistance movement had earned him the right to head the provisional government, Mitterrand believed that de Gaulle had used the threat of military insurrection in 1958 as a means of holding the nation's representatives to ransom, so that they were faced with an ultimatum: *'l'intervention*

des parachutistes ou le soutien à de Gaulle'.³ It is for this reason that Mitterrand claims he told de Gaulle that he could not support his bid to assume the powers of the Republic, unless he publicly condemned the *comités de salut public* and the military insubordination taking place in Algeria.⁴ When de Gaulle replied that his primary concern was to draft a new Constitution, Mitterrand felt his fears had been confirmed: de Gaulle was less concerned with ending the Algerian conflict than he was about establishing a regime based on the '*toute-puissance d'un homme*'.⁵ This began Mitterrand's battle to defend the Republic against the General's '*coup de force*' and the threat of a right-wing dictatorship.⁶

Mitterrand has repeatedly affirmed that if he voted against de Gaulle's new Constitution in September 1958, it was '*d'avantage contre le contexte que contre le texte, cependant discutable*'.⁷ In this respect, we would argue that Mitterrand's initial opposition to de Gaulle was primarily personal and focused upon de Gaulle, the individual, and his motives for regaining power. The General's 'exploitation' of his former role as leader of Free France as a means of justifying his return in 1958 incensed Mitterrand, who saw it as a cynical and opportunistic attempt to seize power by oversimplifying the Resistance legacy in order to claim it for himself.⁸ Of course, some might contend that Mitterrand's opposition was a calculated move to further his own political career. However, this seems unlikely given that both popular and political opinion at the time favoured de Gaulle's return. It seems more probable that Mitterrand's hostility was motivated by a genuine desire to protest against a move which he felt constituted an assault upon France's republican institutions.⁹ On the day of de Gaulle's official inauguration, Mitterrand had been one of only 22 députés willing to sign a petition calling for the rejection of de Gaulle's premiership in the name of '*la résistance républicaine*'. But, as Mitterrand himself ironically recalled, even this number had to be revised when it was noticed that one of the pledged signatures was missing, only to appear the following day amongst the list of individuals appointed by de Gaulle to form the new government.¹⁰

Perhaps the only benefit to be reaped from this early decision to oppose de Gaulle was that it differentiated Mitterrand from representatives of the Fourth Republic, who had sanctioned the General's return, thus enabling him to break with the past and forge a new political identity. As a newly elected member of the Senate, Mitterrand did not hesitate in criticising former colleagues who had facilitated de Gaulle's return to the political centre stage in 1958. Although he may have appeared to many as a symbol of the Fourth Republic's Assembly regime, Mitterrand's criticism of those who approved de Gaulle's investiture should not be misinterpreted as an indirect defence of France's former institutions. In 1946 Mitterrand had not voted for the proposed Constitution and, like Mendès-France, he had consistently called for a reform of the Fourth Republic's institutional framework throughout the regime's relatively short life. Whilst the Algerian ultras were responsible for publicly launching the idea of de Gaulle's return, Mitterrand believed that the realisation of such demands was only made possible by what he scornfully referred to as *'l'effondrement d'un gouvernement et d'une assemblée qui, après une débauche d'exercices oratoires dans le style héroïque, se sont mis à genoux devant le sauveur suprême'*.¹¹

A number of factors made it initially difficult for Mitterrand to oppose de Gaulle from a constitutional perspective, not least the aforementioned fact that he had been an advocate of constitutional reform under the Fourth Republic, and his admission that the Fifth Republic's Constitution was, indeed, an improvement on the previous regime.¹² According to Mitterrand, the Fourth Republic *'ne s'était pas dotée d'institutions politiques à la mesure de ses obligations'*;¹³ it suffered from excess bureaucracy and a lack of party discipline which resulted in *'l'étouffement de la démocratie'*.¹⁴ It was this institutional instability, epitomised by the inability of successive governments to deal with the worsening situation in Algeria, which Mitterrand maintained attracted the electorate to the prospect of a new regime headed by an authoritarian figure like de Gaulle.¹⁵

But if Mitterrand was able to highlight the dubious circumstances surrounding de Gaulle's return to power, he could not claim that the General had imposed the new regime upon the French

because the Constitution had been democratically approved by the electorate in the September referendum. Neither could he simply denounce the text as the representation of one man's vision, since it was the product of three months of careful deliberations between de Gaulle, his advisors, jurists and representatives from various Fourth Republican parties. Above all, it was the involvement of leading parliamentarians, such as Guy Mollet and Pierre Pflimlin, and the concessions they achieved during the drafting process, which served to reassure the French that de Gaulle could not establish a dictatorship. The adoption of an ambiguous Constitution did not, therefore, provide a very sound basis for an attack upon the Fifth Republic's institutions in 1958, since only the future would tell what impact the practical implementation of constitutional prerogatives would have upon the balance of power under the new regime. Consequently, Mitterrand was obliged either to oppose the Constitution on the grounds that de Gaulle had come to power under false pretences with the help of right-wing movements and the army, or risk voicing unsubstantiated claims that what appeared to set out the framework for a parliamentary regime would, in fact, evolve into one of personalised power as a result of ill-defined constitutional guidelines. This may partly explain why Mitterrand's more detailed comments on the adoption of the Constitution are largely confined to retrospective writings and speeches. It might also be argued that commenting upon events with the benefit of hindsight allowed Mitterrand to credit himself with a greater political clairvoyance than was actually the case at the time.¹⁶

2.2 Constitutional opposition and the reversion principle

As the Fifth Republic got underway, Mitterrand was able to turn his attention to the exercise of presidential power in order to attack de Gaulle's violations of constitutional guidelines and to expose the threat which such abuses posed to civil liberties. It may seem paradoxical that Mitterrand, who voted against the new Constitution when it was presented to the electorate in 1958, should soon seek to defend its principles. This may be explained by Mitterrand's repeated assertions that, in theory, the Constitution should have established a balanced parliamentary

system,¹⁷ but that de Gaulle's interpretation of his powers had resulted in a presidentialist regime which naturally '*penche du côté du pouvoir personnel*'.¹⁸ According to Mitterrand, de Gaulle had not achieved the Constitution he would ideally have liked;¹⁹ the text itself constituted a compromise that he had been obliged to accept in order to appease his opponents.²⁰ Practical experience, however, soon proved that de Gaulle had succeeded in keeping the text sufficiently ambiguous so as to allow him to manipulate it to his advantage.²¹ As early as 1959, Mitterrand denounced the evolution of a regime in which the electorate was being encouraged to identify one policy, one party and one person with France's best interests as both undemocratic and a threat to national unity.²² He dismissed as nonsense de Gaulle's claims that he had favoured the election of a balanced Parliament in November 1958, as opposed to the overwhelming right-wing majority, on the grounds that '*le phénomène de Gaulle n'a de sens que s'il est accompagné du phénomène parti majoritaire tendant au parti unique*'.²³ In other words, Mitterrand believed that the power de Gaulle enjoyed as President of the Republic was not only dependent upon his own popular mandate, but also upon the Gaullist parliamentary majority. It is important to note that by concentrating his criticisms on de Gaulle's application of the Constitution, Mitterrand was able to avoid directly defining his own institutional philosophy which, as we will see, allowed him a considerable margin of manoeuvre during his 1965 electoral campaign.²⁴

Although his four-year membership of the Senate provided fewer opportunities for Mitterrand to criticise de Gaulle's exercise of power,²⁵ his speech before the eleventh UDSR Congress in January 1959, clearly showed that he remained totally opposed to de Gaulle's '*régime autoritaire*'. Speaking on behalf of all republicans, Mitterrand fearfully predicted that the Fifth Republic would move gradually towards either '*la forme plébiscitaire de la primauté d'un homme*' or '*les formes d'oppression et de totalitarisme d'une administration, d'une police et d'une armée qui ne voudront plus rendre de comptes au peuple*'.²⁶ Ultimately, Mitterrand argued, the electorate would cease to identify with such an oppressive, right-wing regime and this would lead to the resurgence of Communism as a powerful political force.²⁷ In an article published in *L'Express* two years later, however, Mitterrand acknowledged that de Gaulle could not be held

entirely responsible for the way in which the regime was developing. Even the prospect of a constitutionally respectful President, he claimed, would not change the fact that the 1958 Constitution was fundamentally flawed. In his view, any Head of State elected under the Fifth Republic would find it difficult to resist the temptation to '*s'accrocher au pouvoir*'.²⁸ This statement seems to undermine Mitterrand's previous claims that had it not been for de Gaulle's authoritarian style of leadership, the Constitution would have been applied correctly to produce a parliamentary regime. In fact, Mitterrand still maintained his earlier conviction that de Gaulle's personality and political agenda had facilitated the establishment of a predominantly presidential regime, but he now recognised that the ambivalence of the Constitution was also a contributory factor in this process - one which would not automatically be eradicated by de Gaulle's departure from the presidency. Having so far focused his opposition entirely on de Gaulle and his exercise of power, Mitterrand was beginning to acknowledge that there were other dimensions to the question of presidential pre-eminence.

It was the Algerian question in particular which provoked some of Mitterrand's most notable attacks upon de Gaulle and his new regime between 1958 and 1962. In November 1961, Mitterrand accused de Gaulle of having cynically profited from the Algerian crisis in order to seize, consolidate and retain power.²⁹ Later, in his celebrated 1964 publication, *Le Coup d'Etat permanent*, Mitterrand claimed that de Gaulle had deliberately rejected all possible means of bringing the conflict to a swift conclusion,³⁰ so as to prolong the crisis long enough to adequately secure his power base.³¹ By alternating between a strategy of fear and reassurance throughout the Algerian crisis, de Gaulle had managed to secure the continued support of the electorate.³² Furthermore, by apparently promising all things to all parties, de Gaulle curried favour with both *Algérie française* and the independence movement.³³ Mitterrand criticised de Gaulle's domination of decision-making during the crisis and,³⁴ in particular, his use of emergency powers which gave rise to the controversial '*tribunaux d'exception*'.³⁵ In addition, he deplored de Gaulle's preference for popular referenda to back his leadership, as opposed to the use of parliamentary procedures. For Mitterrand such a political system '*qui préfère les ovations*

populaires aux votes de confiance du Parlement [...], qui tient compte de la menace des foules plus que de la loi votée n'est pas un régime parlementaire, n'est pas la République'.³⁶

Such criticism must be placed in context. Bearing in mind that the direct election of the President had not yet been introduced, it is important to note that Mitterrand, like many other opponents of de Gaulle, subscribed to the view that once the Algerian conflict was over, there would no longer be sufficient justification or means for de Gaulle to remain in office. Even if he did remain President, it was generally assumed that de Gaulle would not be able to sustain the same level of executive power. This point is illustrated by Mitterrand's reference to the 8 February 1962, when the Evian peace agreements were signed, as '*le point culminant de sa [de Gaulle] puissance*', concluding '*l'ultime phase de sa course*'.³⁷ This belief that the Fifth Republic, 'despite its contingent presidential characteristics, would be restored or would converge upon the republican norm once the Algerian emergency had been resolved' is what Gaffney refers to as the reversion principle.³⁸ However, this did not mean that Mitterrand and other critics of de Gaulle's regime wanted to see a return to the institutional framework of the Fourth Republic. Instead, they looked forward to the end of the Algerian crisis (and possibly de Gaulle's departure) as an opportunity to establish a true system of rationalised parliamentarianism.

Following the electorate's approval of the 1962 constitutional amendment, however, hopes that de Gaulle would return to the political wilderness disappeared. Not only had he succeeded in guaranteeing his short term future as President of the Republic, but it seemed unlikely that de Gaulle's dominance of executive power would change given the electoral support accorded to him in the referendum. The reversion principle, though still arguable, could not, therefore, be envisaged until after de Gaulle's withdrawal from the political arena.³⁹ As Decaumont rightly notes, '*le chef de l'Etat estimait, pour sa part, que son mode personnel de gouvernement utilisé dans une situation exceptionnelle valait pour les jours ordinaires*'.⁴⁰ Mitterrand was thus forced to accept de Gaulle's enduring presence and begin to take a more constructive approach to

opposition, by participating in the processes of the Fifth Republic in order to actively challenge de Gaulle from within his own regime.

2.3 Opposition through participation

De Gaulle's call for the direct election of the President as the means of ensuring the continuity of the Fifth Republic was denounced by Mitterrand as a '*fausse nécessité*' which aimed not only to '*faire durer l'aventure présente*',⁴¹ but also to provide de Gaulle with '*le pouvoir absolu de faire ce qu'il lui plaît de faire*'.⁴² It was a move that Mitterrand regarded as blatant confirmation of the plebiscitary nature of the regime.⁴³ In an article published in *L'Express*, Mitterrand challenged de Gaulle's argument that universal suffrage was needed to guarantee the future of the Fifth Republic's institutions, insisting that de Gaulle already had all the 'real' powers he could ever require, as well as others which had no constitutional foundation.⁴⁴ Had the President's actual powers been insufficient, Mitterrand argued, de Gaulle would not have been able to instigate the introduction of universal suffrage in the first place.⁴⁵ Universal suffrage, he maintained, '*ne lui apporterait, à lui, rien de plus*'.⁴⁶

This last statement could not be further from the truth. As we noted in our opening chapter, the 1962 amendment had a massive impact upon the status and influence of the President. As the only individual to be directly elected by the French to act on their behalf, de Gaulle could lay claim to an unrivalled legitimacy within the regime, which would henceforth allow him to dominate all aspects of executive power. The wave of opposition to which the proposed constitutional reform gave rise, clearly showed that many observers understood only too well the way in which universal suffrage would permanently alter the balance of power under the Fifth Republic. In this respect, Mitterrand's reason for opposing the amendment - on the grounds that it was superfluous and would not increase the President's powers as set out in the Constitution - is either extremely naïve or deliberately contrived. Given his reputation as a shrewd political operator, it seems inconceivable that Mitterrand should have so profoundly misunderstood the

significance of the 1962 amendment. We would argue, therefore, that he chose purposely to distort the issue in order to mount an opposition which directly contradicted de Gaulle's justification for the reform. Our view that Mitterrand did anticipate the potential impact of universal suffrage upon the abstract notion of presidential power as a whole is, in fact, borne out by a speech he made before the Senate on 17 July 1962. In this address, Mitterrand argued that if, as the proposed reform suggested, the regime was moving towards a US-style regime, then such an amendment should be accompanied by a renunciation of the power of dissolution. He warned that failure to do this would result in '*la suppression du régime représentatif, régime qu'ont voulu les républicains restés fidèles à la grande tradition française*'.⁴⁷

As we have already stated, the outcome of the 1962 amendment obliged Mitterrand to re-examine the nature of his opposition to the regime. Even prior to the outcome of the referendum, however, political movements had begun to withdraw their support for the constitutional practices which were emerging under de Gaulle. Mitterrand's UDSR and other anti-Gaullist movements were joined by the SFIO which, having previously supported de Gaulle and collaborated with his advisors to produce the new Constitution, wholly opposed the reform. But despite the added backing of the SFIO, the opposition movement still failed to persuade the electorate to reject de Gaulle's proposal. Mitterrand, by his own admission, was far too much of a political pragmatist not to have realised that such an overt public endorsement of de Gaulle's institutions would require him to rethink his strategy of opposition, following his re-election to the National Assembly in November 1962.⁴⁸

In their study of the evolution of the French Socialist Party, Bell and Criddle rightly identify François Mitterrand as the first politician on the Left to recognise the implications of presidential politics for the future of left-wing parties under the Fifth Republic.⁴⁹ From October 1962 onwards Mitterrand acknowledged that the only way to combat de Gaulle effectively was through a strategy of opposition by participation, starting with his re-election to the National Assembly.⁵⁰ Following his return to Parliament, Mitterrand once again targeted specific aspects of the political

system emerging under de Gaulle. Like many of de Gaulle's critics, Mitterrand was principally concerned by the increasing personalisation of the regime which, he argued, was beginning to threaten the independence of both the media and the judicial system.⁵¹ In one parliamentary debate, Mitterrand's assessment of presidential power led him to embark upon a scathing commentary of Prime Minister Debré's inability to prevent de Gaulle from encroaching upon his prime ministerial role set out in articles 20 and 21 of the Constitution.⁵² By permitting the transfer of authority from a government responsible before Parliament to a politically irresponsible President, Mitterrand maintained that Debré had effectively deprived France's *députés* of the power to regulate governmental decision-making.⁵³ Mitterrand also challenged the notion of so-called presidential '*domaines réservés*', which he denounced as an entirely artificial concept, but one which provided the President with another means of excluding members of Parliament from influencing '*les questions qui conditionnent l'existence même de la France*'.⁵⁴ Above all, it was de Gaulle's dominance of defence policy that concerned Mitterrand; he maintained that prime ministerial responsibility for this area of policy-making had not altered since the 1946 Constitution.⁵⁵ He rejected de Gaulle's argument that presidential pre-eminence in defence derived from the symbolic powers defined in article 5, since such powers were '*vides de tout moyen d'exécution par les dispositions spéciales (articles 20 and 21) qui accordent au Premier ministre les pouvoirs dont il aurait besoin pour accomplir sa mission*'.⁵⁶ By 1964, Mitterrand concluded that Gaullist defence policy amounted to little more than '*le prestige d'un homme et [...] la capacité de destruction de sa bombe magique*'.⁵⁷

Participation in the regime not only required Mitterrand and the Left to actively oppose de Gaulle and his government in the National Assembly, it also involved presenting a candidate to stand against de Gaulle in the forthcoming presidential election in 1965.⁵⁸ Having seen how the 1962 referendum had succeeded in uniting the Left in opposition to de Gaulle,⁵⁹ Mitterrand recognised the need to build upon this singular moment of solidarity in order to transform the Left into a coherent, unified force capable of mounting a challenge to de Gaulle's presidential leadership.⁶⁰ Therefore, whilst it would be excessive to claim that Mitterrand openly began to embrace the

regime from 1962, he certainly foresaw the potential longevity of the Fifth Republic and was anticipating his future role within it.⁶¹ This role would require Mitterrand to indirectly accept the political practices emerging under the regime and stand as the Left's candidate in the first direct presidential election under the Fifth Republic.⁶²

2.4 The 1965 presidential election: '*l'année fondatrice de la Cinquième République*'⁶³

In many ways, Nicholas Wahl is correct when he asserts that 1965 was the founding year of the Fifth Republic, for it witnessed several important events which were unprecedented in the regime's short history. Firstly, it was the first time that the French electorate had a chance to exercise their newly acquired power to elect the French President. Secondly, it provided the Left with the first opportunity to effectively challenge de Gaulle's position as Head of State, since parliamentary elections and motions of censure only ever risked destabilising the government as opposed to de Gaulle himself. 1965 also marked the beginning of the Left's reconciliation to the regime and its adaptation to presidential politics. Finally, on a more personal level, it may be viewed as an inaugural year for Mitterrand who, following Gaston Defferre's withdrawal from the presidential race, launched himself as the Left's presidential candidate. As we will see, Mitterrand's rather impulsive decision to stand for election ultimately paid off. For although he was defeated, Mitterrand succeeded in proving that, given the opportunity, the Left were capable of mounting a credible challenge to Gaullism. It was this ability to unite the various movements of the Left, including the powerful Communist Party, behind his candidature, that ensured Mitterrand's future emergence as the *de facto* leader and candidate of the Left under the Fifth Republic.

In *Ma part de vérité*, Mitterrand denies that he had any plans to become a presidential contender in 1965, having been one of the few parliamentarians originally informed of Defferre's decision to stand as the official left-wing candidate.⁶⁴ But when Defferre's attempts to build '*une grande*

fédération' based upon a Centre-Left alliance failed, and his presidential bid subsequently collapsed,⁶⁵ the way was left open for new contenders to come forward. Mitterrand maintains that he knew then that he was '*prêt à prendre le relais car je pensais depuis longtemps que rien n'était possible sans l'Union de la gauche*'.⁶⁶ Assured of Mendès-France's backing and having received confirmation from the Communists that they would not present a candidate to run against him,⁶⁷ Mitterrand held secret meetings over the next two days with Defferre, Mayer, Faure and Mollet to discuss his intentions. With Edgar Faure and Daniel Mayer agreeing to withdraw and Defferre offering his full support, Mollet was alone in asking Mitterrand to think things over for a few more days.⁶⁸ Characteristically, Mitterrand went ahead despite Mollet's reticence, and on 9 September issued a brief statement announcing his candidature.

'A moins de trois mois de l'élection présidentielle, les républicains résolus à combattre le pouvoir personnel - et je pense d'abord à ceux qui, par tradition et par idéal se reconnaissent dans la gauche française - sont dans l'incertitude. [...] J'ai donc décidé de solliciter les suffrages des Français et des Françaises le 5 décembre prochain. Il appartiendra aux organisations politiques comme à chaque citoyen de se déterminer en fonction des options fondamentales qui commandent ma candidature'.

François Mitterrand, 9 September 1965.⁶⁹

As these remarks clearly show, France was, for the first time, witnessing what Chapsal referred to as '*le nouveau phénomène de décision individuelle*' or as Jean-Claude Colliard simply put it, '*autoproclamation*'.⁷⁰ Without having received the official backing of any specific party or movement, Mitterrand announced his candidature independently. This was a tactical move, which enabled Mitterrand to indirectly impose his candidature on the Left. Far from generating enthusiasm, Mitterrand's announcement met with a rather frosty reception from press and parties alike. Giesbert attributes such hostility to public perceptions of Mitterrand as '*un personnage de roman, un maraudeur de la politique, un chevalier errant de la Quatrième République*'.⁷¹ This view is echoed by Pierre Vianson-Ponté, who wrote in *Le Monde* that Mitterrand had been '*de*

toutes les combinaisons, de tous les cabinets ou presque'.⁷² Even Mitterrand himself has acknowledged this initial failure to arouse positive interest, noting that '*la gamme d'opinion des gens à la mode alla de 'ce n'est pas un bon candidat' à 'c'est franchement le plus mauvais*'.⁷³

Undeterred, Mitterrand forged ahead. The day after his communiqué was issued, the *Fédération de la gauche démocratique et socialiste* (FGDS) was formed and immediately accorded Mitterrand its support.⁷⁴ Mitterrand was careful to point out that the creation of the FGDS was not simply to back his presidential campaign, rather it was '*une formation politique à vocation permanente*', whose objectives to '*réformer et à renouveler les structures de la gauche démocrate et socialiste [...] vont évidemment plus loin que ma candidature*'.⁷⁵ Its principal task was to prepare a programme of government in the event that Mitterrand defeated de Gaulle and used his power of dissolution to call new legislative elections.⁷⁶ In this respect, it may be regarded as one of the first and most important steps taken by Mitterrand in his quest to build a united Left under the Fifth Republic. Mitterrand's description of FGDS objectives also reveals something about his perception of the presidency in September 1965; by stressing the importance of the movement, not as a presidential campaign machine, but as a permanent body dedicated to restructuring the Left and defining a future government programme, Mitterrand seems to be implying that it is not the President's role to dictate government policy. His comments may also be interpreted as an attempt to avoid associating himself too closely with any political formation, thus conforming to Gaullist notions of a Head of State above party affiliations.

2.4.1 Mitterrand and the Communists

By the end of September 1965, Mitterrand had received the backing of the SFIO and, most importantly, the PCF, which had agreed to support his candidature without demanding the elaboration of a Common Programme as it had done for Defferre. It is impossible to say exactly what brought about this change of stance, since evidence indicates that several different factors

influenced the Communist party's decision. In his analysis of the 1965 presidential campaign, Georges Suffert contends that the Communists softened their attitude towards Mitterrand's candidature because they had begun to face up to the political realities of the Fifth Republic. Opinion polls consistently showed that the electorate, including traditional PCF voters, accepted the fundamental framework of the new Constitution and the institutional stability which it apparently provided.⁷⁷ The public were resistant to PCF demands for a new Constitution based upon the notion of a Constituent Assembly, since such a regime bore obvious similarities to the discredited Fourth Republic.⁷⁸ Suffert argues, therefore, that the PCF was faced with the following choice: either to support Mitterrand, who seemed to offer greater guarantees for institutional change than Defferre,⁷⁹ or to continue to demand the abolition of de Gaulle's Republic and risk forcing the party permanently into the political cold. Having long abandoned any notion of presenting a candidate because it did not wish to be seen as participating directly in a system which it had consistently opposed,⁸⁰ the PCF's best chance of securing its future as a powerful political force was to support Mitterrand's presidential bid. Having said that, there can be little doubt that the decision was also influenced by the friendship forged between Mitterrand and PCF leader Waldeck-Rochet during their days in the Resistance.

Whilst Mitterrand's proposals to limit presidential power were a far cry from the PCF's original calls for a new Constitution,⁸¹ his consistent opposition to de Gaulle's personalised regime gave the Communists an additional reason to back his candidature. Waldeck-Rochet had privately signalled his support for Mitterrand provided he presented '*une plate-forme acceptable*' and declared his support for '*l'union sans exclusive des partis de gauche*', which was regarded by the PCF as the only means of justifying their backing in the absence of a Common Programme.⁸² Following private discussions behind the scenes between representatives from both camps, Mitterrand responded positively and courteously to Waldeck-Rochet's demands in his first press conference. Two days later, on 23 September, the PCF voted unanimously to support Mitterrand's presidential bid.⁸³

Other smaller political formations such as the PSU later rallied to Mitterrand's campaign, but having received the go-ahead of the two main left-wing parties, Mitterrand had already been transformed from '*l'homme d'un combat [...] d'une espérance*'⁸⁴ into '*le candidat unique de la gauche*'.⁸⁵ Asked why he felt he had succeeded in uniting the Left where Defferre had failed, Mitterrand replied that the key was the formation of a broad, flexible and forward-looking political Federation with a truly left-wing agenda, which would then be able to establish a solid alliance with the Communist Party.⁸⁶ According to Mitterrand, '*il existait un électorat de gauche qui aspirait à se reconnaître dans un programme cohérent et conforme à ses aspirations, cet électorat était démoralisé par le spectacle, devenu rituel, de gouvernements de gauche pratiquant une politique de droite*'.⁸⁷

An analysis of Mitterrand's writings and speeches appears to suggest that it was primarily for pragmatic reasons that he decided to anchor his candidature firmly on the Left in 1965, particularly if one considers his strongly anti-Communist views during the Fourth Republic.⁸⁸ Unlike Defferre, who had publicly derided the PCF during his abortive presidential campaign,⁸⁹ Mitterrand appreciated the importance of securing Communist backing - indicating his preference for a candidature embracing Communist Party voters long before announcing his official decision to stand.⁹⁰ The PCF still wielded considerable electoral force as the second largest political formation within the Fifth Republic. Therefore, by adopting a truly left-wing agenda, Mitterrand and the Federation would potentially be able to steal back some of the ideological ground which it had lost to the Communists as a result of earlier flirtations with the Centre.⁹¹ It follows from this that if, as Mitterrand had predicted in 1959,⁹² there was a popular backlash against de Gaulle's arbitrary exercise of power, it was essential for the non-Communist Left to improve relations with the PCF, which might well be the main political beneficiary of such a mood of public discontent.

2.4.2 Mitterrand's campaign

Although Mitterrand's first presidential campaign lacked nothing in the way of determination and dynamism, the scope of his actions was limited by his position as candidate of the Left. Even if Mitterrand had had time to draw up a detailed set of policy objectives, which was not the case prior to November 1965, the need to maintain the support of all the parties that had rallied to his candidature required him to restrict his presidential platform to a few broad proposals which accommodated all the different viewpoints within the Left alliance. But this was not Mitterrand's only consideration; he also had to ensure that, however general, the proposals still constituted a cogent and coherent programme in the eyes of the electorate. The first stage of Mitterrand's programme was clearly preoccupied with this *double souci* of responding to the demands of the collective Left and the public alike.⁹³ It took the form of seven main '*options*' covering the following areas: institutions, civil rights, Europe, the French nuclear force, economic planning, social policy and, most importantly, education.⁹⁴ As one might expect from the author of *Le Coup d'Etat permanent*, Mitterrand opened his address with a critique of the regime, likening de Gaulle's exercise of power to the '*système plébiscitaire comme on l'a connu sous le Second Empire*'.⁹⁵ This was followed by calls for a return to '*la République des citoyens*', although Mitterrand failed to define exactly what he meant by such a notion, or how it might be achieved. He did, however, go so far as to demand the abolition of article 16 of the Constitution and the amendment of other articles '*qui concernent le contrôle constitutionnel*' in his section on institutions. But once again the details and implications of such reforms were not discussed. Imprecision was, in fact, a feature of all seven options, which included opposition to the development of the French nuclear armoury, the promotion of greater European integration,⁹⁶ the elaboration of a system of regional, economic planning and, finally, the review of social policy and education funding.⁹⁷ Although Mitterrand's programme provoked a disappointed reaction from members of the press, who called for a more developed platform to be drawn up,⁹⁸ it nonetheless represented a significant achievement in the quest for greater left-wing co-operation. As Jean-Luc Parodi correctly points out, '*il [Mitterrand] fait plus que contenter*

chacune des formations politiques qui le soutiennent, il parvient à faire accepter par tous les choses que chacun, pris séparément, aurait eu du mal à entériner.⁹⁹

Michèle Cotta affirms that Mitterrand, '*très sensible au reproche qui lui a été fait de rester dans le vague*',¹⁰⁰ expanded upon his seven options in order to produce a programme of twenty-eight '*propositions*', which he presented at a second press conference two months later.¹⁰¹ Once again, Mitterrand took sole responsibility for the elaboration of these proposals,¹⁰² ignoring calls from the Communists for a Common Programme in order to avoid any '*précipitation maladroite*' that might risk shattering an already fragile union.¹⁰³ The most interesting aspects of this extended programme for our study are those which deal with institutional reform. To his earlier proposal to suppress the President's emergency powers, Mitterrand added the abolition of article 11. There can be little doubt that this decision was influenced by a desire to prevent a recurrence of de Gaulle's blatant violation of constitutional guidelines in 1962, when he used article 11 to facilitate the introduction of universal suffrage. Mitterrand also recommended amending those articles concerning the *Conseil supérieur de la magistrature*, the High Court, the Economic Council and, finally, the Constitutional Council, which he described as little more than '*l'instrument de l'exécutif au lieu d'être un arbitre entre les pouvoirs*'.¹⁰⁴ Other measures, which Mitterrand proposed to reduce the risk of presidential dominance, included the drafting of a new statute for radio and television,¹⁰⁵ the abrogation of all '*législation d'exception*' and the repeal of 1964 texts restricting workers' freedom to strike. As a result of these amendments, Mitterrand hoped that a new style of regime would emerge - one which represented a synthesis between the Fourth Republic which he described as '*indiscutablement démocratique qui a échoué par absence de stabilité politique*', and the Fifth, '*qui s'est donné les moyens du pouvoir et peut-être de la stabilité mais a versé du côté où il penchait, c'est-à-dire du côté du pouvoir personnel*'.¹⁰⁶

Mitterrand was not, therefore, campaigning for a new Constitution; he was proposing a set of measures which, once implemented, would guarantee a fresh and more balanced interpretation of the 1958 text. In this respect Mitterrand's position had shifted from one of intransigent

opposition to de Gaulle's Republic and, in particular, to the introduction of universal suffrage, to one of conditional acceptance, subject to realisation of the aforementioned institutional reforms. As Duhamel rightly notes, '*après avoir souhaité changer de régime, la gauche, et d'abord ses dirigeants les plus novateurs, ne voulut plus que changer le régime. L'acceptation révisionniste se fit réformiste*'.¹⁰⁷ This observation, however, fails to touch upon another important consequence of the Left's participation in the 1965 presidential election. For it was not only Mitterrand who no longer challenged the permanence of the Fifth Republic; in agreeing to back Mitterrand's candidature, the Communist Party also appeared to be signalling an increased willingness to participate in the regime.¹⁰⁸ One can only speculate as to the role which Mitterrand's amicable relations with Waldeck-Rochet may have played in securing PCF support.¹⁰⁹ It is, however, doubtful that this factor alone would have persuaded the party to back Mitterrand's candidature. It seems much more plausible, therefore, that the Communists had finally begun to accept that the permanence of the Fifth Republic left them with only one way to effectively combat de Gaulle – through the democratic channels of the regime itself.

The evolution in Mitterrand's attitude towards the Fifth Republic is reflected in the two central themes running through his campaign: the struggle to restore democracy (often referred to in terms of *libertés menacées*),¹¹⁰ and the fight against de Gaulle's personalised use of power (*le pouvoir personnel*). Mitterrand's criticisms tended, once again, to focus largely upon de Gaulle and the way in which he had directly manipulated the Constitution to establish an authoritarian regime. As Mitterrand put it, '*puisque je combats le pouvoir personnel, je combattrai celui qui l'incarne*'.¹¹¹

Mitterrand called upon those '*qui ne se résignent pas à l'abandon de leurs responsabilités civiques*' to use their votes effectively in order to challenge de Gaulle's system of government.¹¹² He later explained that his intention had been to '*démystifier les Français, leur dire qu'ils avaient le droit, le devoir, le pouvoir de gérer eux-mêmes leurs propres affaires, qu'il était indigne d'eux d'abandonner le soin à un seul, fût-il le général de Gaulle*'.¹¹³ The presidential election, he

argued, should not be reduced to the simple designation of a personality, who then guides the country for the next seven years according to his own undisclosed political and personal agenda. Rather it should be an informed decision based upon a well-defined programme of policy objectives.¹¹⁴ That is not to say that Mitterrand considered the choice of individual to be irrelevant, but it was secondary to the political platform endorsed by each candidate.¹¹⁵ As we will see, Mitterrand's efforts to focus his presidential campaign upon programmes, as opposed to personalities, constituted one of the more problematic aspects of his candidature in 1965.

2.4.3 Tensions and ambiguities

The whole notion of direct presidential elections posed enormous problems for the Left, whose doctrinal base had always been strongly anti-personalist.¹¹⁶ Naturally, this placed Mitterrand in an awkward predicament when choosing a campaign strategy. Not only did he have to justify his decision to stand in an election whose very rationale he had always opposed, but he had to be able to compete effectively against de Gaulle - '*le candidat au-dessus des partis*' - without emulating the President's lofty rhetoric. It is hardly surprising to note, therefore, that some ambiguities arose as a result of Mitterrand's attempts to satisfy these opposing criteria. These inconsistencies centre on Mitterrand's interpretation of executive power; he shifts between a parliamentary and a presidentialist reading of the Constitution at different points during the campaign, which leaves us unclear about his precise understanding of the presidential role within the regime.

In a speech before the Senate in 1961, Mitterrand declared that '*il faut autant que possible, lorsqu'on choisit le chef de l'exécutif, éliminer les éléments passionnels, irraisonnés, accidentels. Les électeurs doivent être appelés à voter sur des idées, sur des programmes, sur des grandes orientations avant de se prononcer sur un homme*'.¹¹⁷ Up until the second ballot of the 1965 presidential campaign, his speeches displayed a marked willingness to remain as faithful as possible to this earlier stance. During this period, Mitterrand repeatedly affirmed that, as

candidate of the Left, he was campaigning on the basis of a broad set of policy orientations which would inspire the actions of a future Left-wing government.¹¹⁸ Addressing meetings and rallies of supporters, Mitterrand stressed that his election as President was merely the first step towards the Left's ultimate goal - to win a parliamentary majority.¹¹⁹ Once elected, Mitterrand promised to immediately dissolve the National Assembly in order to allow all-important legislative elections to take place.¹²⁰ At one stage, he even cast doubt on the permanence of universal suffrage as a mode of presidential election if he were to gain power, commenting that *'pour l'élection du Président de la République, il appartiendra aux organisations démocratiques de se prononcer si une réforme est urgente'*.¹²¹

Mitterrand's statements assigning greater importance to parliamentary elections are somewhat at odds with his assertion that as a presidential candidate, his role was to *'fixer les objectifs, définir les options fondamentales qui rendront indiscutables les choix politiques'*.¹²² These remarks appear to recognise the hierarchical framework of the Constitution, and more specifically, the supremacy of the President over political decision-making. On the one hand, Mitterrand seems to be saying that Parliament has the power to decide the future of the presidency, whilst on the other, he claims that the President has the power to impose his political choices on Parliament. The two views are clearly contradictory.

The second ballot brought new dilemmas for Mitterrand. Having so far based his campaign on a strongly Left-wing agenda, he had to try and appeal beyond the boundaries of his own natural electorate and woo voters whose candidates had been defeated in the first round. Above all, it was the 15.78% of votes for the centrist, Jean Lecanuet, which Mitterrand hoped to attract. In his study of the 1965 presidential election, Schwartzenberg asserts that Mitterrand was faced with two possible courses of action following the first ballot: he could attempt to win over Lecanuet's voters by calling for the formation of a united and coherent centre-left opposition movement, or alternatively, he could invite right-wing voters to rally to his camp in the name of anti-Gaullism.¹²³ In the end, Mitterrand refused to consider either option, allowing defeated

candidates to make the choice for him. This was a tactical risk which, on this occasion, did not really work to Mitterrand's advantage, mainly as a result of Lecanuet's reluctance to declare his support for either candidate in the second round.¹²⁴ By the time Lecanuet finally did announce that '*je ne voterai pas pour le général de Gaulle et je demande à mes électeurs de ne pas voter pour lui*',¹²⁵ voters had already had plenty of time to make up their own minds. Lecanuet's comments also introduced a new dimension to the campaign, by transforming the election into a vote for or against de Gaulle's leadership. This undermined Mitterrand's efforts to combat de Gaulle from a predominantly political perspective, and turned the opposition campaign into what Schwartzberg calls a '*contre- plébiscite*'.¹²⁶ Floating voters were not being urged to vote for Mitterrand on the basis of his personality or policy objectives, but because he was the only means of ousting de Gaulle from the presidency.¹²⁷

This would undoubtedly have suited de Gaulle, whose campaign had a characteristically plebiscitary tone from the moment he announced his long-awaited intention to stand for re-election.¹²⁸ Claiming to be the only individual capable of guaranteeing the future of the Fifth Republic, de Gaulle had warned the electorate that if they did not renew his mandate, France's institutions would crumble, plunging the nation into a state of chaos.¹²⁹ Rather surprisingly, de Gaulle did not attack Mitterrand on the basis of his hastily prepared political manifesto and the undeniable tensions and contradictions within the Left's alliance, instead he took a more personal and retrospective approach, labelling Mitterrand as the incarnation of '*le régime du passé*' and all its problems.¹³⁰ Mitterrand, too, was conscious of the potential advantages to be reaped from exploiting the weaknesses of opponents and highlighting his own personal qualities. The Left's slogan, '*un Président jeune pour une France moderne*', plus the various photographs and posters showing a dynamic and determined Mitterrand on the campaign trail, were undoubtedly designed to accentuate de Gaulle's image as '*un veillard prestigieux accroché à un passé révolu*'.¹³¹

Having been forced to accept the logic of the second ballot and broaden his electoral appeal, Mitterrand began campaigning not simply as '*le candidat de la gauche*', but as '*le candidat de*

tous les républicains'.¹³² This opened him up to criticism from de Gaulle that he was '*le candidat de la gauche et de la droite [...], il est le candidat des partis, voilà la vérité!*'¹³³ Mitterrand challenged de Gaulle's accusations, insisting that it did not matter if a presidential candidate emanated from the ranks of a political movement or alliance because once he had been elected President, his sole task would be to '*respecter les règles fondamentales qui font qu'une démocratie reste une démocratie*'.¹³⁴ This depiction of the President as a non-partisan constitutional judge leads our discussion on to another area of ambiguity which characterised Mitterrand's 1965 campaign, that of his changing perception of the presidential function.

At different stages of the election campaign, Mitterrand's interpretation of the presidential role appeared to shift between that of an *arbitre-juridique*, whose interventions were purely concerned with respect for constitutional guidelines, and that of an *arbitre-actif*, who had a role to play in determining the main aspects of government policy. In his analysis, Schwartzberg notes a marked tendency for Mitterrand to advocate a more passive definition of the presidency during the first five weeks of campaigning.¹³⁵ Throughout this period, he found that Mitterrand defended a strictly parliamentary reading of the Constitution, on the grounds that it would '*remettre à l'exécutif sa vraie place et [...] garder à l'arbitrage du Président sa valeur permanente*'.¹³⁶ This does appear to be consistent with Mitterrand's previous assertions that the 1958 text should have established a parliamentary regime, and with his proposals to revise specific aspects of the Constitution in order to eliminate the ambiguities which had made de Gaulle's violations possible. What it fails to define, however, is exactly what Mitterrand interprets as '*la vraie place de l'exécutif*'. This becomes clearer when we examine Mitterrand's proposals for a '*contrat de législature*',¹³⁷ which he discussed before a meeting of the *Convention des Institutions Républicaines* (CIR) in early October 1965.¹³⁸ Such a contract would, Mitterrand asserted, allow the electorate to indirectly designate '*l'homme qui à la tête d'un parti, d'une coalition de partis, d'une majorité gouvernera*'.¹³⁹ In other words, it would be incumbent upon the President to nominate such a figure to the post of Prime Minister. Evidently, this style of regime bears a striking similarity to the British parliamentary system, whereby the leader of the newly

elected parliamentary majority automatically accedes to the premiership. But if, as Mitterrand's comments suggest, he was recommending that the French Prime Minister be restored as the head of executive power, it was not a line of argument that he chose to pursue before a wider audience.

There are, of course, reasons why Mitterrand did not commit himself to this particular institutional vision for the duration of the election trail, not least the fact that it contradicted the very nature of his own presidential campaign. As the Left's official candidate, campaigning on a political platform of seven options which broadly set out the policy objectives of a future left-wing government, Mitterrand effectively undermined the notion of a politically disengaged President. We might also consider Parodi's explanation that Mitterrand's calls for a return to a parliamentary-style regime before the CIR, were primarily designed to satisfy the institutional expectations of those left-wing parties which had agreed to back his candidature.¹⁴⁰ If this is the case, then the same reasoning may be applied to his comments stressing the primacy of legislative over presidential elections: *'la bataille que nous menons continuera son déroulement jusqu'aux prochaines élections législatives, car c'est aux élections législatives de 1966-67, après l'élection présidentielle que le peuple aura à décider son destin'*.¹⁴¹

Between 20 October and 5 December, when the first round of voting took place, Mitterrand's campaign centred on a slightly different concept of presidential power, whereby the Head of State was not only a constitutional judge, but was also France's guide, intervening to *'préciser les grandes options'* of a future government programme.¹⁴² In his second press conference, Mitterrand confirmed that if elected, he would ensure that the policy objectives detailed in his presidential manifesto were implemented by the new government.¹⁴³ He was, however, careful to defend such interventions on the grounds that they formed part of the President's symbolic duties set out in article 5: *'tout en restant fidèle à ma conception d'un chef de l'Etat arbitre, je ferais en sorte que cet arbitre remplisse son rôle en veillant au respect des engagements pris et en stimulant la mise en œuvre des options fondamentales'*.¹⁴⁴ What this statement fails to

clarify is exactly who would be responsible for setting these objectives - the President or government. The answer to this question is surely crucial if we are to fully comprehend Mitterrand's interpretation of the President's role within the regime.

It is also worth noting that this notion of a *Président-actif*, which characterised Mitterrand's campaign during this period, was accompanied by a gradual abandonment of his original proposals for constitutional reform. Having launched his campaign by calling for the abolition of article 16 and various other constitutional amendments, Mitterrand's revisionist aspirations quickly lost momentum, until even the suppression of article 16 was replaced by its non-application. Roger-Gérard Schwartzberg attributes Mitterrand's increasing acceptance of the 1958 Constitution to three separate elements: a fundamental respect for the law which made it difficult for Mitterrand to justify challenging a popularly approved Constitution, the realisation that institutional reform could actually prove a vote-loser and, finally, a fundamental appreciation of the merits of the institutional framework provided by the Fifth Republic.¹⁴⁵ What Schwartzberg fails to explore, however, are the more self-serving motives which may have prompted Mitterrand to abandon his promises to reform the regime. By leaving the Constitution in its original state, he would have stood to inherit the same level of power enjoyed by de Gaulle had his presidential bid proved successful. In a closer run contest than had been predicted, this may have been a temptation which the ambitious Mitterrand would have found difficult resist.

After the first round of voting, Mitterrand returned to a more passive definition of the presidential role. This shift was influenced by an entirely different agenda; one which only came into play once the first ballot had taken place. By assuring the electorate of his commitment to a non-interventionist style of presidency, Mitterrand was more likely to attract voters from the Centre and the Right, some of whom would perhaps prefer the prospect of a constitutional guide emanating from the Left to another seven years of de Gaulle.¹⁴⁶ Interestingly, Mitterrand even flirted with the idea of reducing the duration of the presidential mandate in a bid to convince undecided members of the electorate of his commitment to this conception of the presidency.¹⁴⁷

Suffert also recognises the considerable influence which the public's interpretation of the presidential function had upon the comportment of candidates. He argues that both Mitterrand and de Gaulle were obliged to modify their images before the second ballot in order to '*devenir ce que le pays souhaitait obscurément qu'ils fussent*'.¹⁴⁸ In de Gaulle's case, this meant abandoning his Olympian heights and descending into the political arena to answer questions on government policy on national television. For Mitterrand, it involved adopting a more 'presidential' style by appealing to the electorate as a whole and focusing upon issues, such as the exercise of power and the correct application of the Constitution.¹⁴⁹

Far from producing a clearer picture of Mitterrand's interpretation of the President's role, our discussion has revealed how he shifted between two contrasting readings of the Constitution. As a result, it is difficult to establish whether Mitterrand favoured a President who would be an active political leader or a passive constitutional guide. One could, however, argue that the ambiguities and contradictions which characterised Mitterrand's institutional vision, are less important than the confirmation they provide of Mitterrand's *de facto* conversion to a certain basic conception of presidentialism under the Fifth Republic. For although Mitterrand originally proposed to introduce some amendments to the Constitution in order to regulate the power available to the President, his candidature in 1965 demonstrated a fundamental acceptance of the Constitution and, most importantly, the presidential powers of *arbitrage*, *surveillance* and *direction*. Mitterrand's decision to stand as the representative of a common left-wing ideology is further evidence that he had begun to adapt to the norms governing presidential politics. Not only did he realise that it was imperative for the parties on the Left to unite in order to have any chance of competing successfully in a two ballot majority voting system, but he was also prepared to personalise his campaign in order to appeal to a wider electorate than his own party members.¹⁵⁰ Though Mitterrand's score of 45% in the second ballot failed to win him the presidency, it should be viewed as a relative success. He had never expected to beat de Gaulle; he had merely wanted to show that the General was not the incarnation of national unity and could be effectively challenged within the framework of his own regime.¹⁵¹ In reality, Mitterrand

achieved much more, transforming the Left into a credible force and beginning the irreversible process of adaptation to the institutions of the Fifth Republic.

2.5 Mitterrand and the events of May 1968

De Gaulle's re-election in December 1965 signified the consummation of the President's powers. Following in the wake of this popular consultation, the parliamentary elections of 1967 once again provided de Gaulle with a majority on which to rest his interpretation of the presidential office. The events of May 1968 constitute the next major episode in Mitterrand's developing relationship to the institutions of the Fifth Republic. Our study of Mitterrand's speeches and actions throughout this period of social unrest will reveal the deep ambiguity, which was now an integral part of his relationship to the French presidency.

As one of de Gaulle's most tenacious critics and his principal political adversary after 1965, Mitterrand may have seemed ideally placed to profit from the growing mood of public disillusionment which precipitated the dramatic events of May 1968.¹⁵² Far from emerging as the champion of student demands, however, he retained a remarkably low profile throughout most of the month, preferring to '*commenter les événements au jour le jour*' from the sanctuary of the National Assembly.¹⁵³ Joffrin makes a valid point when he suggests that Mitterrand, like many other key political figures on the Left and Right, needed time to assess the evolving situation before defining his position.¹⁵⁴ Mitterrand himself later admitted having been caught off guard by the speed at which the crisis had broken and he was not alone in this respect.¹⁵⁵ Most of the leaders on the Left, with the exception of Pierre Mendès-France and Michel Rocard, were reluctant to involve themselves in a student movement over which they had no direct control.¹⁵⁶ Nevertheless, it is somewhat surprising that Mitterrand, who as leader of the Left Federation had named education as '*la priorité des priorités*' in his 1965 election manifesto,¹⁵⁷ should have chosen to remain relatively detached from events during the first three weeks of May.

This initial decision to distance himself from the actions of the demonstrating students reaffirms an important aspect of Mitterrand's political philosophy, that of pragmatism. Although he sympathised with the students' critique of the regime, as an experienced parliamentarian Mitterrand was reluctant to give his backing to any spontaneous movement without careful consideration, particularly when the actions of that group were conceived outside of the legal framework of the Constitution. Earlier in the chapter it was argued that, from 1962 onwards, Mitterrand's opposition to de Gaulle was based upon a strategy of participation in the regime. In other words, he accepted that the only effective and legitimate way to challenge the political system in place was via the institutional procedures provided by the Constitution. Whilst Mitterrand may indeed have understood the depth of frustration which drove students onto the streets in May 1968,¹⁵⁸ theirs was a form of protest which he considered naive, irresponsible and ultimately self-destructive because it rejected traditional political parties and practices: *'Je comprends cette rigueur (qui pousse l'homme à récuser toute solidarité avec un style de vie qu'il veut changer). Je comprends moins les erreurs de jugement qui ont conduit le mouvement de mai à s'aventurer dans une stratégie d'autodestruction'*.¹⁵⁹ In any case, it would have been politically perilous for Mitterrand to have backed the students, only to find that he was on the losing side when the conflict was finally resolved. One might also contend that having finally accepted the permanence of de Gaulle's institutions and the political stability which the new regime had so far guaranteed, Mitterrand would not have wanted to associate himself too closely with a movement whose autonomous and anarchic nature threatened to upset this arrangement.¹⁶⁰ Therefore, instead of endorsing the actions of the rioting students or attempting to capitalise upon the tense political climate to try and bring down de Gaulle's Republic, Mitterrand limited his interventions to a few well-chosen words in Parliament. This strictly constitutional approach did little to endear him to the leaders of the student movement, who saw it as confirmation of Mitterrand's assimilation to the regime they so vehemently opposed. As Mitterrand himself would later comment ruefully, *'puisque je n'avais pas fait sauter l'Elysée à la dynamite, j'étais complice de l'Elysée'*.¹⁶¹

Initially, Mitterrand focused his criticisms upon the failure of successive governments to listen and respond to the needs of the younger generation.¹⁶² As the situation worsened and workers joined student demonstrators bringing the country to a virtual standstill, he began calling for the government's resignation on the grounds that it was incapable of controlling the crisis and no longer had the support of the electorate.¹⁶³ In a parliamentary debate on 14 May, Mitterrand attacked what he saw as the increasing vacuum of power; Premier Georges Pompidou had been on an official visit to Iran and Afghanistan at the beginning of the crisis, and Mitterrand demanded to know who had been in charge of government action in the Premier's absence.¹⁶⁴ In this speech, Mitterrand accused Pompidou and the Education Minister, Alain Peyrefitte, of failing to take responsibility for resolving the crisis and allowing de Gaulle to impose his will upon them privately.¹⁶⁵ For although the President may have avoided interfering publicly in the day to day management of the crisis prior to the announcement of a referendum on the issue, Mitterrand claimed that he had been determining government action from behind the scenes.¹⁶⁶ The following week Mitterrand intensified his attacks on the government's ineffectuality, delivering a pointed critique of a political system based upon '*la décision politique d'un seul homme*'.¹⁶⁷ He concluded his address by confirming his support for a motion of censure tabled by the opposition which, he hoped, would result in the dissolution of the National Assembly and fresh parliamentary elections.

Dansette asserts that towards the end of the month Mitterrand believed that the government could fall, and so began testing the ground with unions and other left-wing organisations in preparation for a possible election campaign.¹⁶⁸ The increased likelihood of an electoral battle would partly explain the sudden politicisation of Mitterrand's discourse, which was doubtless intended to convince workers and students that the Left Federation did understand their concerns and could offer a real alternative to de Gaulle's oppressive, capitalist regime.¹⁶⁹ When the motion of censure was narrowly defeated,¹⁷⁰ Mitterrand and the Federation were once again left without any obvious means of recovering the initiative in a crisis that they had largely allowed to pass them by. De Gaulle's announcement that a referendum would be held '*sur la rénovation*

*universitaire, sociale et économique*¹⁷¹ provided precisely the justification and the incentive Mitterrand needed to launch a new offensive against the regime.¹⁷² It came in the form of a press conference and, as we will see, it proved to be a disastrous error of judgement, which left Mitterrand out in the political wilderness until his fortuitous election as First Secretary of the French Socialist Party in 1971.

2.5.1 The press conference of 28 May: '*Mitterrand l'ambitieux devenu putschiste*?'¹⁷³

Assuming that de Gaulle would be defeated in the forthcoming referendum and would subsequently vacate the presidency, Mitterrand held a press conference on 28 May to explain how he would ensure the continuity of the Fifth Republic following de Gaulle's departure.¹⁷⁴ He began by declaring that once de Gaulle had withdrawn from office, Pompidou and his cabinet would also resign in order to make way for the formation of a ten-man provisional government, headed by himself or, more preferably, Pierre Mendès-France.¹⁷⁵ This temporary administration, chosen '*sans exclusive et sans dosage*', would be required to fulfil three short-term objectives: to restore the authority of the State and begin a dialogue with student and workers' organisations, to respond to the reasonable demands of various professional groups and, finally, to organise new presidential elections. Just as he had done in 1965, Mitterrand then took the opportunity to publicly announce his intention to stand as a presidential candidate, without having informed any of the leaders of the Left of his decision.¹⁷⁶ An edited version of the conference, excluding journalists' questions which elaborated upon some of the more ambiguous aspects of the proposals, was then broadcast on national television the same evening. But, as Mitterrand was soon to discover, far from dealing the fatal blow to a crumbling administration, his press conference only served to resuscitate de Gaulle and his supporters, who were able to exploit it as a means of regaining control of the political situation.

There is a certain irony in the fact that Mitterrand, a politician who had spent his entire career under the Fifth Republic denouncing de Gaulle's violation of constitutional guidelines, should himself become the target of such accusations in May 1968. It is even more surprising that Mitterrand should have risked opening himself up to such charges in the first place, by presenting to the public a series of measures which were clearly not written into the 1958 Constitution. Firstly, the assertion that *'le départ du général de Gaulle au lendemain du 16 juin [...] provoquera naturellement la disparition du Premier ministre et de son gouvernement'*¹⁷⁷ had no constitutional foundation, and was pure suggestion (or possibly wishful thinking) on Mitterrand's part. According to article 7, *'en cas de vacance de la présidence de la République pour quelque cause que ce soit [...] les fonctions du Président de la République [...] sont provisoirement exercées par le président du Sénat'*; no mention is made of the interim President having the constitutional right or obligation to dismiss the current government, let alone name a replacement administration. As a result, Mitterrand's proposals for a provisional government, presided over by Mendès-France, were wholly unconstitutional - a fact which his opponents wasted no time in pointing out. Robert Poujade, secretary general of the *U.D. V^e République* (Gaullist Party), scathingly remarked at the time that *'le soi-disant gouvernement provisoire de M. Mitterrand ne pourrait [...] résulter que d'un coup d'Etat. A vrai dire, M. Mitterrand, à qui personne ne faisait appel depuis les graves événements qui ont sécoué notre pays, prétend faire à la France le don de sa personne et, loin de vouloir atténuer ses malheurs, rêve d'en faire l'instrument de sa carrière'*.¹⁷⁸

Even on the Left, Mitterrand's comments were not universally welcomed. The Communist Party opposed his plans for a government headed by Mendès-France on the grounds that the latter was *'coupable d'avoir témoigné sa sympathie aux gauchistes en se rendant au stade Charléty'*.¹⁷⁹ In addition, Waldeck-Rochet, issued a public statement which was evidently designed to correct what he saw as Mitterrand's lack of recognition regarding PCF participation in the proposed interim administration.¹⁸⁰ As far as many students were concerned, Mitterrand's declaration came too late to be taken seriously, and was regarded as a cynical attempt to use Mendès'

popularity to further his own presidential ambitions. This is, in part, borne out by Alexandre's account of an exchange between Mitterrand and Waldeck-Rochet after the fateful press conference, during which Mitterrand attempted to reassure the Communist chief as to his reasons for calling upon Mendès-France to lead the provisional government. According to this source, Mitterrand admitted privately to Waldeck-Rochet that '*dans la Constitution actuelle, l'important c'est le Président de la République*'. *Notre objectif doit être l'élection présidentielle*'.¹⁸¹ In other words, he was indirectly acknowledging that the temporary premiership was simply a means of side-tracking Mendès in order to allow another candidate, namely himself, to campaign for the real source of executive power within the regime, that of the presidency.

Mendès-France's supporters considered that Mitterrand's 'participation' in de Gaulle's regime, even though this had involved consistently opposing the General's style of leadership, was in itself sufficient cause to reject him. Mendès' refusal to embrace the Fifth Republic had given him a kind of political purity to which none of the other leading opposition figures could lay claim.¹⁸² Finally and arguably most important was the bad impression which Mitterrand's press conference made upon those members of the electorate who watched it on television. As Joffrin notes, this adverse public reaction was not so much a comment upon the actual proposals put forward by Mitterrand as the result of '*un montage malicieux*' in which the leader of the FGDS, '*le menton en avant, la voix coupante*' came across as '*l'incarnation parfaite du factieux*'.¹⁸³ Even Mitterrand himself admitted that he appeared '*sous les traits d'un apprenti-dictateur, mal rasé, fanatique*'.¹⁸⁴ This unflattering television appearance clearly had some bearing upon the Gaullist resurrection and their landslide victory in the legislative elections of June 1968, just as it did upon the Left's decision to shun Mitterrand, when it came to selecting a candidate for the presidential elections in 1969.¹⁸⁵

As with his declaration of candidature in 1965, Mitterrand claimed that his decision to propose a plan of action in May 1968 was largely motivated by the desire to disprove the '*moi ou le néant*' ultimatums which had become an inherent feature of de Gaulle's referenda.¹⁸⁶ This is wholly

consistent with one aspect of opposition since 1962, based upon his determination to prove to the French that the Fifth Republic would still exist without de Gaulle and that the nation would not be thrown into a state of chaos in the event of the General's departure. The widespread condemnation of de Gaulle's referendum as yet another plebiscite upon his leadership gave Mitterrand every reason to believe that it was the ideal time for the leader of the opposition to make a decisive move.¹⁸⁷ Indeed, he claims that he was encouraged to do so by all those around him.¹⁸⁸ But, as we have noted, the presumptuous and dictatorial tone of his televised press conference enabled the Gaullists to denounce him as a political opportunist trying to seize power before that power had even been vacated. In solemnly laying down a set of conditions and announcing his presidential candidature prematurely, Mitterrand seemed to many observers to be adopting the same imperious style as the man he had spent ten years opposing.

It is difficult to see how Mitterrand might have handled things differently in May 1968. He could, of course, have omitted proposals for a provisional government from his press conference, thus preventing allegations that he was attempting to mount some form of coup. Yet the options open to him throughout the crisis were severely limited. Had he taken the initiative and involved himself more directly with the students from the beginning of the conflict, it is still doubtful whether they would have welcomed his involvement.¹⁸⁹ This was clearly a view shared by Mitterrand when he stated that *'aucun des hommes politiques qui détenaient des responsabilités à l'heure où la révolte a éclaté n'était en mesure de la dominer ou de l'attirer à lui'*.¹⁹⁰ It is certainly true that the FGDS would have found it particularly difficult to harness the student and worker movement since it was an organisation created for purely electoral purposes, without any real university or trade union networks.¹⁹¹ Therefore, it would appear that Mitterrand, like almost every other political figure at the time, was quite simply overtaken by the events of that month; both his speeches before the National Assembly and his ill-fated press conference reveal that he was simply reacting to daily developments as opposed to pursuing any fixed political strategy.

Unfortunately for Mitterrand, his apparent disregard for constitutional guidelines met with considerable criticism from all sides; political commentators agree that this incident was partly responsible for the crushing defeat suffered by the Left in the June parliamentary elections. In the long term, however, the events of May 1968 were to have a positive effect upon the Left, forcing it to reassess its political objectives and, more specifically, to re-organise itself into a movement with which the disillusioned global Left could identify. Mitterrand would play an important role in this process, endeavouring to capture the spirit of the May uprising within the agenda of a mainstream political party, that of the newly formed *Parti Socialiste*. In the words of R.W. Johnson, Mitterrand strove to re-structure the Left in order 'to give orthodox political form to the great spontaneous assertion of 1968'.¹⁹² As the next chapter will now show, this was to provide the ideological backdrop against which the Left and the Right would seek to define themselves and their relationship to the presidency throughout the 1970s.

2.6 Concluding remarks

In this chapter we have seen how factors affecting the development of the modern French presidency also impacted upon the actions of those who sought to challenge de Gaulle's exercise of power. Focusing on François Mitterrand, who quickly emerged as one of de Gaulle's strongest challengers within the regime, our discussion has shown how he was continually obliged to adapt the nature of his opposition to reflect the way in which presidential power was evolving under de Gaulle's leadership.

Previously, we saw how the involvement of leading left-wing parliamentarians and the concessions they achieved during the drafting process led the majority of parties and politicians on the Left to approve the 1958 Constitution which, they believed, would produce a predominantly parliamentary regime. In 1958 Mitterrand clearly shared this view that the guidelines set out in the constitutional blueprint would, under normal circumstances, ensure that the President would not be able to dominate executive decision-making. The fact that de Gaulle

was enjoying an exceptional degree of power was, in Mitterrand's view, highly undesirable. But, he assumed that this was temporary arrangement which would cease once the crisis in Algeria had been resolved and de Gaulle could no longer justify remaining in office. Thanks to the 1962 referendum, however, we have seen how de Gaulle not only succeeded in renewing his own legitimacy, but he also ensured that the presidency acquired a uniquely symbolic status within the regime. Consequently, Mitterrand had to re-think his opposition strategy to take account of the fact that the presidency was emerging as the central organising principle of political activity under the Fifth Republic; parliamentary majorities (and, therefore, alliances) were needed to support the President and his policies. Having seen how Defferre's attempts to build a Centre-Left alliance had failed, Mitterrand recognised that the only way to challenge the Gaullist Federation was by anchoring his candidature firmly on the Left and securing the support of the powerful Communist Party.

Our discussion of the 1965 election highlighted some of the difficulties faced by Mitterrand as he strove to reassure left-wing voters of his commitment to a parliamentary reading of the Constitution, whilst taking part in an election whose very rationale seemed to contradict this stance. We saw how Mitterrand was forced to modify the way in which he presented himself as a candidate in order to participate effectively in an electoral contest which placed as much, if not more emphasis on personalities than it did on programmes. Although this gave rise to a number of inconsistencies in his campaign, it nevertheless showed that Mitterrand was beginning to acquire a more sophisticated appreciation of presidential politics and the restrictions it imposed upon his own political comportment and discourse.

Mitterrand's actions in May 1968 also provided an important insight into his evolving relationship to the institutions of the Fifth Republic. For whilst he may have attacked the failure of de Gaulle, Pompidou and the government to bring the crisis to a speedy conclusion, never once did he call into question the existence of the regime. Indeed, it could be argued that Mitterrand did almost everything within his power to ensure its continuity from the motion of censure, designed to

restore State authority by forcing the formation of a new government, to his press conference, which aimed to show the electorate that the Republic would remain intact after de Gaulle had left the political arena. The fact that Mitterrand was prepared to bend the Constitution in his press conference for his own purposes showed that he not only understood the potential benefits to be reaped from an ambiguous Constitution, but he was willing to blatantly exploit this ambivalence for his own ends. What he had under-estimated, however, was the importance of extra-constitutional factors, such as party support and public expectations, in determining the success of any challenge to the presidency. As we will see, Mitterrand spent the following decade ensuring that he built up the strong political base and public image he needed to compete successfully for power within the regime.

Notes to Chapter 2

¹ For a comprehensive summary of Mitterrand's early political career under the Fourth Republic see Alistair Cole, *François Mitterrand: A Study in Political Leadership* (London: Routledge, 1994), pp.10-16. For Mitterrand's own account of the foundation of the UDSR see *Ma part de vérité*, (Paris: Fayard, 1969), p.22.

² For the full text see François Mitterrand, *Politiques I* (Paris: Fayard, 1977), p.197.

³ François Mitterrand, *Le Socialisme du possible* (Paris: Seuil, 1971), p.36.

⁴ At a gathering of all the Fourth Republic's party leaders, with the exception of the Communist Party. Extract from an interview published in *Combat*, 22 October 1962, pp.3-5.

⁵ *Ibid.*,

⁶ Olivier Duhamel, *La Gauche et la Cinquième République* (Paris: Presses Universitaires de France, 1980), p.57.

⁷ Mitterrand, *Ma part de vérité*, p.41.

⁸ François Mitterrand, speech before the National Assembly on 2 December 1964. See Mitterrand, *Politiques I*, p.416.

⁹ Especially if one considers that this anti-Gaullist stance resulted in Mitterrand's temporary marginalisation from French politics, and contributed to him losing his seat in the National Assembly in the November 1958 legislative elections. In these elections, the 'progressive Left', which included Mitterrand's own UDSR movement, jointly presented 90 candidates, none of whom were elected. Duhamel, *La Gauche et la Cinquième République*, p.64.

¹⁰ Mitterrand, *Ma part de vérité*, p.39.

¹¹ *Ibid.*, p.41.

¹² 'De nombreux progrès doivent être notés si l'on compare la nouvelle Constitution à celle de 1946'. François Mitterrand, *Le Courier de la Nièvre*, September 1958 cited in *Le Monde*, 7 September 1958. This is corroborated by Olivier Duhamel, who notes that under the Fourth Republic Mitterrand voted for all the amendments aimed at strengthening executive power. Duhamel, *La Gauche et la Cinquième République*, p.49.

¹³ Mitterrand, *Ma part de vérité*, p.36.

¹⁴ *Ibid.*, p.37.

¹⁵ Debate in the Senate on 5 July 1961. See Mitterrand, *Politiques I*, p.174.

¹⁶ This is particularly relevant concerning Mitterrand's criticism of the naivety of those Fourth Republican politicians involved in the drafting process. He claims that they should have anticipated the way in which de Gaulle would capitalise upon his presidential powers to dominate the executive. See François Mitterrand, *La Paille et le grain* (Paris: Flammarion, 1975), pp.41 & 114.

¹⁷ Debate in the National Assembly on 24 April 1964 in Mitterrand, *Politiques I*, pp.242-246.

¹⁸ Article in *L'Express*, 1 June 1961 in Mitterrand, *Politiques I*, p.220.

¹⁹ Article in *Le Courier de la Nièvre*, 7 April 1962 in Mitterrand, *Politiques I*, p.183.

²⁰ 'Un pâté constitutionnel où chacun trouverait à quoi satisfaire son goût'. Debate in the Senate, 17 July 1962 in Mitterrand, *Politiques I*, p.221.

²¹ Ibid.,

²² Debate in the Senate, 25 June 1959 in Mitterrand, *Politiques I*, p.155.

²³ Article in *La Nef*, January 1959 in Mitterrand, *Politiques I*, p.378.

²⁴ This point is perfectly illustrated by Mitterrand's speech before the National Assembly, 24 April 1964. See Mitterrand, *Politiques I*, p.241.

²⁵ See Mitterrand, *Politiques I*, p.410. It is also important to bear in mind the influence which the so-called Observatory Affair of October 1959 must have had upon Mitterrand's actions; it would have been more difficult for Mitterrand to criticise de Gaulle, whilst he himself was the target of allegations of corruption.

²⁶ UDSR XII Congress, 1 February 1959. See Mitterrand, *Politiques I*, p.373.

²⁷ Ibid.,

²⁸ See Mitterrand's comments in *L'Express*, 1 June 1961, cited in *Politiques I*, p.220.

²⁹ Debate in the Senate, 25 November 1961 in Mitterrand, *Politiques I*, p.181.

³⁰ Ibid., p.186.

³¹ Mitterrand, *Le Coup d'Etat permanent* cited in *Politiques I*, p.184.

³² Debate in the Senate, 25 November 1961 in *Politiques I*, p.181.

³³ Ibid., p.180.

³⁴ *Le Coup d'Etat permanent* cited in *Politiques I*, p.99.

³⁵ See article in *Le Courier de la Nièvre*, 20 May 1961 in *Politiques I*, p.267.

³⁶ Debate in the Senate, 5 July 1961, *Politiques I*, p.178.

³⁷ Article in *Le Courier de la Nièvre*, 7 April 1962 in Mitterrand, *Politiques I*, p.182.

³⁸ John Gaffney, *The French Left and the Fifth Republic: The Discourse of Communism and Socialism in Contemporary France* (Basingstoke: Macmillan Press, 1989), p.2.

³⁹ Ibid.,

⁴⁰ Françoise Decaumont, *La Présidence de Georges Pompidou: Essai sur le régime présidentiel français* (Paris: Economica, 1979), p.1.

⁴¹ Article in *L'Express*, 6 September 1962 in Mitterrand, *Politiques I*, p.231.

⁴² Debate in the Senate, 17 July 1962 in Mitterrand, *Politiques I*, p.224.

⁴³ Mitterrand, *Politiques I*, p.225.

⁴⁴ *L'Express*, 6 September 1962. See Mitterrand, *Politiques I*, p.230.

⁴⁵ In his analysis of the roots of presidential pre-eminence under the Fifth Republic, Guy Carcassonne takes a different view to Mitterrand, placing greater emphasis upon the importance

of de Gaulle's personality, as opposed to constitutional guidelines, in determining presidential power in 1962. See Guy Carcassonne in *La France présidentielle*, ed. by Nicholas Wahl & Jean-Louis Quermonne, (Paris: Presses de la fondation nationale des sciences politiques, 1995), p.34.

⁴⁶ Mitterrand, *Politiques I*, p.230.

⁴⁷ Debate in the Senate, 17 July 1962. See Mitterrand, *Politiques I*, p.228.

⁴⁸ 'Je suis un empirique dont les idées naissent des faits'. François Mitterrand, *Le Quotidien de Paris*, 26 October 1977, p.7.

⁴⁹ D.S. Bell & B. Criddle, *The French Socialist Party: The emergence of a party of government*, 2nd edn (Oxford: Clarendon Press, 1988), p.29.

⁵⁰ 'C'est donc désormais à l'Assemblée nationale et devant le suffrage universel que la démocratie sera sauvée ou perdue'. Extract from Mitterrand's electoral manifesto, November 1962 cited in *Politiques I*, p.410.

⁵¹ Both these issues are dealt with in detail by Mitterrand in *Le Coup d'Etat permanent*.

⁵² 'Vous êtes victime - j'en conviens - du système que l'on vous impose'. Debate in the National Assembly, 24 April 1964. See Mitterrand, *Politiques I*, p.244.

⁵³ Ibid.,

⁵⁴ Debate in the Senate, 5 July 1961 cited in Mitterrand, *Politiques I*, p.176.

⁵⁵ Debate in the National Assembly, 24 April 1964 cited in *Politiques I*, p.244-5.

⁵⁶ Ibid.,

⁵⁷ Debate in the National Assembly, 2 December 1964. See *Politiques*, p.416.

⁵⁸ Other political observers also anticipated the impact that the 1962 amendment would have on the Left. In an article in *L'Express*, on 27 December 1962, Georges Vedel wrote that the presidential election 'forcera l'opposition - à moins que la classe politique ait choisi de démissionner - à se fédérer, à choisir un candidat, à élaborer une plate-forme, bref à faire son métier de partis politiques modernes'.

⁵⁹ 'Le premier service que de Gaulle nous rend, c'est de faire que les républicains se retrouvent et se reconnaissent [...]. Le devoir est de s'unir'. See 'A l'appel de M. Monnerville, les radicaux s'élèvent contre un référendum manifestement illégal et anticonstitutionnel', *Le Monde*, 2 October 1962, p.2.

⁶⁰ Mitterrand, *Ma part de vérité*, p.56.

⁶¹ 'Depuis 1962, c'est à dire depuis qu'il a été décidé que l'élection du président de la République aurait lieu au suffrage universel, j'ai su que je serais candidat'. Mitterrand, *Ma part de vérité*, pp.46-47. It should perhaps be added, however, that it is highly unlikely that Mitterrand would have stood had Defferre not withdrawn, leaving the Left without a candidate. This view is corroborated by Lhomeau who writes that 'François Mitterrand était volontaire, sans aucun doute, mais une telle certitude appartient à la réécriture de l'histoire. Etre candidat contre de Gaulle en

1965 - *ce n'était pas couru d'avance*'. See Jean-Yves Lhomeau, 'La politique comme ligne de vie', in *François Mitterrand au regard du Monde* (Paris: Le Monde-Éditions, 1996), p.70.

⁶² Mitterrand, *Le Coup d'Etat permanent*, p.126.

⁶³ Wahl & Quermonne, p.23.

⁶⁴ Although as Giesbert asserts, Mitterrand's closest friends all agree that he believed Defferre's candidature was destined to fail. See Franz-Olivier Giesbert, *François Mitterrand et la tentation de l'histoire* (Paris: Seuil, 1977), p.203. This would appear to be supported by Mitterrand's own affirmation in *Ma part de vérité* (p.58) that Defferre's decision to attempt a Centre-Left alliance, excluding any pact with the Communists, sealed his fate.

⁶⁵ On 18 June 1965.

⁶⁶ François Mitterrand in an interview with Didier Buffin and Paul Guilbert, *Le Quotidien de Paris*, 26 October 1977. See *Politiques II 1977-1981* (Paris: Fayard, 1981), p.11.

⁶⁷ Mitterrand, *Ma part de vérité*, p.47.

⁶⁸ *Ibid.*,

⁶⁹ *Le Monde*, 11 September 1965, p.4.

⁷⁰ Chapsal, J., *La Vie politique en France depuis 1940*, 3rd edn (Paris: Presses Universitaires de France, 1993), p.564 and Jean-Claude Colliard in Wahl & Quermonne, pp.78-79.

⁷¹ Giesbert, *François Mitterrand et la tentation de l'histoire*, p.209.

⁷² *Le Monde*, 11 September 1965, p.4.

⁷³ Mitterrand, *Ma part de vérité*, p.48.

⁷⁴ Mitterrand, *Politiques I*, p.419.

⁷⁵ *Ibid.*,

⁷⁶ Olivier Duhamel, however, sees this as less important than the role of the FGDS as '*un mouvement présidentiel*'. Duhamel, *La Gauche et la Cinquième République*, p.288.

⁷⁷ Georges Suffert, *De Defferre à Mitterrand: la campagne présidentielle* (Paris: Seuil, 1966), pp.71-2.

⁷⁸ *Ibid.*,

⁷⁹ Defferre belonged to the faction of the SFIO, which broadly accepted the presidentialist interpretation of the Fifth Republic Constitution. Before a regional meeting of SFIO members on 12 January 1964, he declared '*le Président de la République doit être le garant de l'application de la politique définie par lui et choisie par la majorité qui l'a élu*'. See Collette Ysmal, *Defferre parle* (Paris: La Fondation nationale des sciences politiques, 1966), p.35.

⁸⁰ See 'Les élections présidentielles de 1965', *Crapouillot*, 68 (1966), pp.11 & 12.

⁸¹ This Constitution was to be based upon '*le principe démocratique et sur la souveraineté du peuple*'. François Billoux in *L'Humanité*, 14 January 1964, p.4.

⁸² Waldeck-Rochet speaking at a Communist Party meeting held on the 17 September 1965. See Roland Cayrol & Jean-Luc Parodi, *L'élection présidentielle de décembre 1965* (Paris: Armand-Colin, 1970), p.111.

⁸³ For the full text of the Communist Party declaration see Cayrol & Parodi, pp.113-4.

⁸⁴ 'Je ne suis l'homme d'aucun parti. Je suis l'homme d'un combat. Je serai l'homme d'une politique. Je veux être l'homme d'une espérance'. Speech before CIR delegates, 10 October 1965. See *L'Année politique 1965* (Paris: Ed. du Moniteur, 1966), p.78.

⁸⁵ *Le Monde*, 23 September 1965, p.1

⁸⁶ Mitterrand, *Ma part de vérité*, p.60.

⁸⁷ Ibid.,

⁸⁸ See Cole, *François Mitterrand*, pp.6-13.

⁸⁹ Defferre had been dismissive of any notion of co-operation with the Communist Party to elaborate a Common Programme, provoking angry reactions from the left-wing press in France. See extracts from Defferre's speech in Marseille, November 1963 in 'Les élections présidentielles de 1965', *Crapouillot*, 68 (1966), p.41.

⁹⁰ In an interview in *L'Express* on 20 July 1965, Mitterrand had confirmed that he would not stand as a candidate unless the following criteria had been met: he had received the unconditional support of Mendès-France, the official backing of the SFIO and, finally, the potential backing of the PCF.

⁹¹ Mitterrand, *Ma part de vérité*, p.61.

⁹² See François Mitterrand's speech before UDSR XII Congress, 1 February 1959 cited in *Politiques I*, p.373.

⁹³ It is important to note that at this point Mitterrand still did not have the official support of the Communists, which would undoubtedly have influenced the way in which he presented his programme.

⁹⁴ 'Les élections présidentielles de 1965', *Crapouillot*, 68 (1966), p.41.

⁹⁵ *Le Monde*, 23 September 1965, p.8.

⁹⁶ Although this pro-European stance risked offending the PCF which shared de Gaulle's scepticism with regard to European integration.

⁹⁷ Pierre Viansson-Ponté, 'M. François Mitterrand a les meilleures chances d'être <<le candidat unique de la gauche>>', *Le Monde*, 23 September 1965, p.1, 8 & 9.

⁹⁸ See *L'Année politique 1965*, pp.78.

⁹⁹ See Parodi in *L'Election présidentielle de décembre 1965* (Paris: Le Monde dossiers et documents, 1965), p.247.

¹⁰⁰ 'Les élections présidentielles de 1965', *Crapouillot*, 68 (1966), p.41.

¹⁰¹ For a list of all 28 propositions see Mitterrand, *Politiques I*, p.427.

¹⁰² 'J'engage ma responsabilité sur mes options et sur mes propositions...' See *Le Monde*, 19 November 1965, p.2.

¹⁰³ Mitterrand, *Ma part de vérité*, p.64.

¹⁰⁴ In *Le Coup d'Etat permanent*, Mitterrand had already likened the Constitutional Council to a horse '*dont une poignée d'avoine fera rentrer à l'écurie*', p.97.

¹⁰⁵ Mitterrand referred to the current state for radio and television as '*cette pantomime du statut fabriqué pour cristalliser les interventions de l'exécutif*'. See 'François Mitterrand formule 28 propositions constitutantes la ligne de départ de la gauche moderne', *Le Monde*, 19 November 1965, p.2.

¹⁰⁶ *Ibid.*,

¹⁰⁷ Duhamel, *La Gauche et la Cinquième République*, p.247.

¹⁰⁸ Communist Party calls for the elaboration of a Common Programme after November 1965 could, however, be interpreted as confirmation that its conciliatory approach to Mitterrand's candidature was purely a tactical move, which did not reflect any significant change in either the PCF's criteria for left-wing union, or in its attitude towards the Fifth Republic's institutional framework.

¹⁰⁹ For the origins of the PCF's support for the notion of a Constituent Assembly see Jacques Duclos, *L'Avenir de la démocratie* (Paris: Editions sociales, 1962), p.254.

¹¹⁰ For example see Mitterrand's speech before *La Bourse du Travail* in Lyon, 4 November 1965. See *L'Année politique 1965* (Paris: Ed. du Moniteur, 1966), p.92.

¹¹¹ *Ibid.*,

¹¹² Extract from Mitterrand's declaration of candidature published in *Le Monde*, 11 September 1965, p.6.

¹¹³ Mitterrand, *Ma part de vérité*, p.151.

¹¹⁴ François Mitterrand, television broadcast, 17 December 1965. See *Politiques I*, p.433.

¹¹⁵ *Ibid.*,

¹¹⁶ Gaffney, *The French Left and the Fifth Republic*, p.21.

¹¹⁷ François Mitterrand's speech before the Senate on 1 June 1961 cited in *Politiques I*, pp.218-220.

¹¹⁸ 'J'ai engagé toute la gauche française sur des options fondamentales et sur tous les domaines, et je lui ai demandé de combattre afin de proposer une politique nouvelle. Le choix que vous ferez pour le candidat de la gauche signifiera en politique intérieure et en politique extérieure, en politique économique et en politique sociale, un renversement de tendance, un changement d'habitudes, une volonté de créer et non pas de demeurer le regard tourné vers le passé'. Television broadcast, 3 December 1965. See *L'Année politique 1965*, p.103.

¹¹⁹ 'Je serai de ceux qui demanderont que la magnifique entreprise entamée depuis deux mois puisse se poursuivre afin d'aborder les élections législatives, qui seront le combat décisif, avec un pacte électoral'. François Mitterrand, speech before the CIR, *Le Monde*, 12 October 1965 cited in Roger-Gérard Schwartzberg, *La Campagne présidentielle de 1965* (Paris: Presses Universitaires de France, 1967), pp.14-15.

¹²⁰ 'Elu Président de la République, je prendrai mes fonctions le 8 janvier 1966: mon premier acte sera de dissoudre l'Assemblée nationale qui ne représente plus rien'. 12 December 1965. See Mitterrand, *Politiques I*, pp.431-2.

¹²¹ Press conference, 21 September 1965 cited in Schwartzberg, p.31.

¹²² François Mitterrand, Press conference in Lyon on 5 November 1965. See André Laurens, 'M. Mitterrand assure que son entreprise ne s'achèvera pas le 4 décembre', *Le Monde*, 6 November 1965, p.3.

¹²³ Schwartzberg, p.24.

¹²⁴ On the 9 December 1965, Lecanuet made the following statement that '*en effet, je suis devant une certaine équivoque; c'est pour cela que mes suffrages ne vont à personne*'. See Les élections présidentielles de 1965', *Crapouillot*, 68 (1966), p.65.

¹²⁵ Extract from Jean Lecanuet's declaration, the 16 December 1965. *Ibid.*,

¹²⁶ Schwartzberg, p.24.

¹²⁷ Tixier-Vignancour's decision to recommend that his voters support Mitterrand in the second ballot was also influenced by a desire to see de Gaulle's departure, as opposed to the implementation of a left-wing programme.

¹²⁸ De Gaulle's declaration of candidature on 4 November 1965 was generally perceived by the press and by political figures as a plebiscite upon his presidential leadership. For public and political reactions see *L'Année politique 1965*, p.91.

¹²⁹ See de Gaulle's television and radio broadcast on 4 November 1965 cited in *L'Année politique 1965*, pp.91-3.

¹³⁰ De Gaulle's television broadcast on 17 December 1965, See *L'Année politique 1965*, p.113.

¹³¹ *Ibid.*, p.80.

¹³² 'Je suis le candidat de la gauche et, à compter du moment où je suis le seul candidat à m'opposer contre le pouvoir personnel, j'appelle tous les républicains à bien vouloir m'aider à gagner cette bataille'. Extract from François Mitterrand's television interview on 15 December 1965 cited in *L'Année politique 1965*, p.112.

¹³³ *Ibid.*,

¹³⁴ François Mitterrand's television broadcast, 17 December 1965 cited in *Politiques I*, p.434.

¹³⁵ From 9 September to 19 October. See Schwartzberg, p.34.

¹³⁶ Extract from François Mitterrand's speech before the CIR, 9 October 1965 cited in *L'Année politique 1965*, p.79.

¹³⁷ This was influenced by Mendès-France's ideas for a '*contrat de majorité*' or a '*gouvernement de législature*'. See Schwartzberg, p.39.

¹³⁸ 9 October 1965. See *L'Année Politique 1965*, p.79.

¹³⁹ Ibid.,

¹⁴⁰ See Parodi in *L'élection présidentielle de décembre 1965*, p.239. In an article published in *La Nef*, October-December 1965, Guy Mollet had clearly signalled his preference for '*une application correcte de la Constitution*' which '*prévoyait un authentique régime parlementaire dans lequel le véritable exécutif, le gouvernement, était responsable devant le parlement, le Président de la République n'étant que le garant de la continuité des institutions démocratiques*'. Similarly, Jacques Duclos of the PCF, confirmed his belief that Mitterrand's presidential bid represented a return to a politically disengaged President and, more importantly, a re-empowered Parliament. See Schwartzberg, p.38.

¹⁴¹ *Le Monde*, 5 December 1965 cited in *L'Année politique 1965*, p.95.

¹⁴² Extract from François Mitterrand's speech in Lille, 28 October 1965, reported in *Le Monde*, 30 October 1965. See Schwartzberg, p.93.

¹⁴³ '*Nous avons souscrit un engagement au regard de l'opinion publique*', ce qui veut dire, *Président de la République, je les mettrai en œuvre. Pour ce qui concerne mon autorité, j'engagerai le gouvernement de la gauche à les appliquer*'. Extract from François Mitterrand's press conference on 17 November 1965 cited in *Le Monde*, 19 November 1965, p.2.

¹⁴⁴ Ibid.,

¹⁴⁵ Schwartzberg, p.35-6.

¹⁴⁶ '*Peu importe l'appartenance à la gauche de M. Mitterrand, s'il consent à se réfugier dans une conception passive de la présidence*'. Schwartzberg, p.45.

¹⁴⁷ Extract from François Mitterrand's television interview on 15 December 1965 cited in *L'Année politique 1965*, p.112.

¹⁴⁸ Suffert, p.10.

¹⁴⁹ Ibid.,

¹⁵⁰ Gaffney, *The French Left and the Fifth Republic*, p.25.

¹⁵¹ Giesbert maintains that Mitterrand told his campaign team in 1965 that '*je ne suis pas assez insensé pour penser que je pourrai battre de Gaulle. je veux simplement démontrer que quelque chose est possible à gauche*'. Giesbert, *François Mitterrand et la tentation de l'histoire*, p.224-5.

¹⁵² See Viansson-Ponté's pre-emptory article entitled '*Quand la France s'ennuie*' which appeared in *Le Monde*, 15 March 1968, p.1.

¹⁵³ See Viansson-Ponté in *Le Monde*, 29 May 1968, p.1 & 3.

¹⁵⁴ Laurent Joffrin, *Mai '68: histoire des événements* (Paris: Seuil, 1988), p.76.

¹⁵⁵ See Mitterrand's comments during a radio debate, 23 December 1970 broadcast on Europe 1 in *Politiques I*, p.477-8.

¹⁵⁶ For a concise overview of the positions occupied by the key figures on the Left throughout the crisis see Viansson-Ponté writing in *Le Monde*, 29 May 1968, pp.1 & 3.

¹⁵⁷ See François Mitterrand's press conference, 21 September 1965 in *Le Monde*, 23 September 1965, p.8.

¹⁵⁸ As he claims he did in *Ma part de vérité*, p.90.

¹⁵⁹ Ibid., pp.88-90.

¹⁶⁰ In *Ma part de vérité* (p.87), Mitterrand even displays a certain amount of sympathy for the Gaullist government as it struggled to cope with the sudden onset of mass disorder.

¹⁶¹ Mitterrand, *Ma part de vérité*, p.97. See also Daniel Cohn-Bendit's comments on the 13 May 1968: '*M. Mitterrand n'est pas un allié, il peut simplement à la rigueur nous servir*'. Cited in *Le Monde*, 29 May 1968, p.3.

¹⁶² See François Mitterrand's speech before the National Assembly, 8 May 1968 in *Politiques I*, p.479-82.

¹⁶³ See François Mitterrand's speech before the National Assembly, 14 May 1968 in *Politiques I*, p.482-88.

¹⁶⁴ '*Qui était responsable au cours de ces derniers jours?*' Ibid.,

¹⁶⁵ According to Mitterrand, Alain Peyrefitte, the Education Minister had been opposed to the closure of the Sorbonne ordered by de Gaulle on the 4 May 1968. Ibid.,

¹⁶⁶ This was not in fact the case; de Gaulle had favoured using force to control demonstrators, but this had been fiercely resisted by Pompidou who opted for a more conciliatory approach. See Andrew Knapp, *Gaullism since de Gaulle* (Aldershot: Dartmouth, 1994), p.15.

¹⁶⁷ See Mitterrand, *Politiques I*, pp.488-92.

¹⁶⁸ A. Dansette, *Mai 1968* (Paris: Plon, 1971), p.239.

¹⁶⁹ See Mitterrand, *Politiques I*, pp.488-92.

¹⁷⁰ By 244 votes to 233. For a breakdown of voting patterns see *L'Année politique 1968* (Paris: Ed. du Moniteur, 1969), p.41.

¹⁷¹ De Gaulle announced his decision to hold a referendum in a television appearance on the 24 May 1968.

¹⁷² Although as Dansette correctly points out, Mitterrand was becoming increasingly concerned by Mendès-France's growing popularity and the threat which this posed to his position as leader of the FGDS. Therefore, the press conference may also have been influenced by Mitterrand's desire to reassert his political authority. Dansette, p.239.

¹⁷³ This quote is taken from Joffrin (p.256), but the question mark has been added.

¹⁷⁴ 'Il convient dès maintenant de constater le vacance du pouvoir et d'organiser la succession'.

For the full text of Mitterrand's press conference see *Le Monde*, 29 May 1968, pp.1 & 7.

¹⁷⁵ Although Mitterrand was careful to add that 'ce n'est pas un problème d'hommes, c'est un choix politique et ce choix politique je vous l'ai défini'. Ibid.,

¹⁷⁶ Dansette, p.287.

¹⁷⁷ 'M. Mitterrand envisageant le départ du général de Gaulle après le 16 juin', *Le Monde*, 29 May 1968, p.16.

¹⁷⁸ 'Le prétendu gouvernement provisoire de M. Mitterrand ne pourrait résulter que d'un coup d'Etat', *Le Monde*, 30 May 1968, p.2.

¹⁷⁹ Dansette, p.288-9.

¹⁸⁰ Ibid.,

¹⁸¹ Philippe Alexandre, *L'Elysée en péril: 2-30 mai 1968* (Paris: Fayard, 1969), p.231.

¹⁸² Reflecting upon the rally in Charléty some twenty years later, Cohn-Bendit wrote '*toutes ces forces rassemblées qui cherchaient une issue politique, c'était notre seule chance. Et notre chance, elle s'appelait Mendès*'. See Joffrin, p.254.

¹⁸³ Ibid., p.256.

¹⁸⁴ Mitterrand, *Ma part de vérité*, p.110.

¹⁸⁵ According to Tournoux, Gaston Monnerville, long time opponent of de Gaulle and President of the Senate, immediately recognised the disastrous implications which Mitterrand's comments would have upon the electoral chances of the Left. Having watched Mitterrand's press conference, he exclaimed '*Nom de Dieu, nous venons de perdre 2m de voix*'. See J.R. Tournoux, *Le mois de mai du Général* (Paris: Plon, 1969), p.124.

¹⁸⁶ Mitterrand, *Ma part de vérité*, p.100.

¹⁸⁷ For reactions to de Gaulle's announcement of a referendum see *L'Année politique 1968*, pp.42-43.

¹⁸⁸ Mitterrand, *Ma part de vérité*, p.99.

¹⁸⁹ When Mitterrand took part in a massive street demonstration in Paris on 13 May 1968, Giesbert notes that the students were visibly hostile to his presence amongst them. See Giesbert, *François Mitterrand et la tentation de l'histoire*, p.233-4 .

¹⁹⁰ Mitterrand, *Ma part de vérité*, p.97.

¹⁹¹ Mitterrand acknowledged that this had been a problem for the FGDS in an interview for Philippe Alexandre's book, *L'Elysée en péril*: '*Je ne pouvais pas inventer une autre gauche que celle que j'avais reçue. Or celle-ci n'avait pas de racines dans le mouvement universitaire. Nous n'avions pas d'instrument; nous ne pouvions pas agir*'. p.216.

¹⁹² R.W. Johnson, *The Long March of the French Left* (Basingstoke: Macmillan, 1981), p.133.

Chapter 3

PRESIDENTIALISM AND THE FRENCH SOCIALIST PARTY (1971-1981)

De Gaulle's sudden departure from the presidency in April 1969 did not throw France into a state of institutional crisis, nor did it bring about a return to the political chaos of the party-dominated Assembly regime as he had so often warned it would. In accordance with constitutional guidelines, the President of the Senate, Alain Poher, stepped in to fill the temporary power void at the Elysée, whilst preparations were made for a fresh presidential contest to elect de Gaulle's successor. Two months later, former Prime Minister, Georges Pompidou, beat rivals from other parties to become the second popularly elected President of the French Fifth Republic. With the smooth transfer of power completed, the question still remained whether the process of presidentialisation, which had been underway for more than a decade, would be reversed now that de Gaulle had been removed from the constitutional equation. In other words, would this '*retour à la normale*',¹ as Pompidou called it, bring about a different interpretation of the Constitution, one which would allow the Fifth Republic to discover what Mitterrand had argued was its true nature, that of a parliamentary regime?

It soon became apparent that, in de Gaulle's wake, no such transformation would occur. Instead Pompidou's presidency ushered in an important phase in the development and consolidation of presidential prerogatives. After Pompidou's unexpected death in 1974, the election of a non-Gaullist candidate, Valéry Giscard d'Estaing, brought significant new dimensions to the ongoing debate over the extent and limits of presidential power within the regime. For although Giscard favoured a presidential reading of the Constitution,² political factors came into play, which restricted the President's authority; not least the fact that Giscard's hold over the majority in the National Assembly was substantially weakened after 1976. This imposed constraints upon his exercise of power and forced him to explore new ways of asserting his presidential supremacy.

As a result, historians and political analysts differ in their representation of Giscard d'Estaing's septennate; some regard it as a period of increased presidential control, others as one of greater institutional balance. None, however, dispute the fact that when viewed as a whole the years 1969-1981 confirmed the predominantly presidential nature of the Fifth Republic. It was during this period that Mitterrand also began to accept the advantages of the regime's institutional hierarchy. Whilst this reconciliation to the merits of presidentialism may not have been easily acknowledged by Mitterrand, it was implicit in his both public speeches and his direction of the Socialist Party between 1971 and 1981. The function of this chapter is to map the transition between two critical periods in Mitterrand's appreciation of the presidency, that of his early opposition to the 1958 Constitution as discussed in chapter two and his election as President of the Republic in May 1981. Beginning with a discussion of the notion of presidential power taking shape throughout the 1970s, the chapter will go on to examine its effects upon the newly-formed *Parti socialiste* which, under Mitterrand's leadership, embarked upon its own internal 'presidentialisation' in order to compete effectively for power within the evolving regime.

3.1 1969-1974: '*la mise en place du présidentielisme*'³

During his first three months in office, Pompidou's apparent readiness to grant his Premier, Jacques Chaban-Delmas, control over domestic affairs seemed to signal a shift towards a more balanced reading of the Constitution.⁴ However, this period of enhanced prime ministerial autonomy turned out to be short-lived, and it was not long before the President undertook '*la reprise en main des leviers de commande*'.⁵ Having initially been content to keep a fairly low-profile at the start of his mandate,⁶ Pompidou became concerned that the growing confidence and popularity of the team at Matignon were undermining his position as '*chef suprême de l'Exécutif*'.⁷ In particular, it was Prime Minister Chaban's 'New Society' project which Pompidou found most threatening from an institutional perspective. This programme of reforms not only appeared to call into question the policy choices of the past eleven years of Gaullist government (including those of Pompidou's own premiership) but, as Knapp rightly points out, it also offered a set of broad, long-term objectives more akin to a

presidential manifesto than a prime ministerial agenda.⁸ Chaban's failure to provide the President with a copy of these proposals before announcing them before Parliament, was also interpreted by the Elysée as a sign that the Premier was becoming too independent.⁹

In order to regain his presidential initiative, Pompidou took every opportunity to reaffirm publicly his pre-eminence within the regime. Retrospectively, he even went so far as to deny that Chaban had ever exercised any real power as Prime Minister: '*Chaban? Il croit qu'il a été Premier ministre pendant trois ans. Pas du tout: il a été ministre du travail pendant trois mois*'.¹⁰ Pompidou also began to intervene with increasing frequency in day to day government business until presidential control had extended well beyond the '*domaines réservés*' evoked by Chaban in 1959, to encompass all areas of policy-making.¹¹ By the time Chaban resigned in July 1972, very few decisions could be taken without first receiving the presidential seal of approval. It was this practice of presidential dominance and ministerial effacement which analysts of the Fifth Republic began to refer to increasingly as 'presidentialism'.

In his 1978 study of presidential power under Pompidou and Giscard d'Estaing, Jean Gicquel defines presidentialism as '*la prééminence du chef de l'Etat reposant, tels des propylées majestueux, sur l'investiture populaire et un constant soutien parlementaire. D'où une structure hiérarchisée des pouvoirs et une exaltation de la fonction présidentielle dont le champ d'application recouvre tout l'espace politique*'.¹² As a result of the President's institutional supremacy, Gicquel notes that the presidential office soon became the key objective for all political parties within the regime. Presidentialism did not, however, begin to characterise the political culture of the Fifth Republic until Pompidou took over the presidency in 1969.¹³ Prior to this date, Gicquel contends that the regime was so closely bound up with the person of de Gaulle that it was impossible to determine its real nature; it was only after de Gaulle's withdrawal that the institutions could be properly assessed.¹⁴

Most commentators, however, do not regard presidentialism as the exclusive product of Pompidou's presidency, but trace its origins back to the 1962 constitutional amendment,

which produced what Françoise Decaumont has described as '*une extension de la fonction présidentielle autour de laquelle s'ordonne tous les autres pouvoirs*'.¹⁵ Gicquel and Decaumont's views, though divergent, provide useful pointers towards the different elements which form the basis of a presidential power, namely the direct election of the President and the range of constitutional powers available to the Head of State, which allow him to dominate political decision-making. A further factor, we could add, would be the existence of a stable parliamentary majority to secure the President's position as the undisputed head of the executive. Bonnard regards this as *the* decisive factor in determining the extent to which the President is able to control government and, more importantly, prime ministerial action: '*sous la Cinquième République, quand le Président peut s'appuyer sur une majorité parlementaire, le Premier ministre n'existe que par la volonté du Président*'.¹⁶ What he fails to acknowledge, however, is that differences in the composition of the parliamentary majority supporting the President can affect his exercise of power. This was not an issue for de Gaulle and Pompidou, since both received the backing of a so-called '*majorité présidentielle*'. Giscard d'Estaing, on the other hand, came from a minority movement within the right-wing majority and, as our later discussion will show, this affected the way in which he was able to impose his presidential authority from 1976 onwards.

Unlike Gicquel, who takes a rather dim view of Pompidou's exercise of power,¹⁷ Decaumont argues that the Fifth Republic owes its continued stability to its second President, who ensured the successful transformation of the regime from a highly personalised vision into a permanent set of institutions.¹⁸ Consequently, she firmly rejects the way in which some political analysts have employed the term 'presidentialism' negatively, in order to refer to what they see as the degeneration of the parliamentary regime established by the 1958 Constitution.¹⁹ Presidentialism in the French context, she argues, is a coherent political system in its own right, one which combines important aspects of both parliamentary and presidential regimes to produce a dominant Head of State: '*du régime présidentiel, il (le Président) tire la vigueur du pouvoir exécutif par l'intermédiaire du suffrage populaire; du régime parlementaire, il bénéficie du soutien constant de la coalition majoritaire. Régime finalisé, le présidentielisme est avant tout au service du Chef de l'Etat*'.²⁰

This interpretation was shared by Pompidou himself, who clearly regarded the ambiguous nature of the Fifth Republic as its greatest strength: '*notre système, précisément parce qu'il est bâtard, est peut-être plus souple qu'un système logique: les <<corniauds>> sont souvent plus intelligents que les chiens de pure race*'.²¹ Roussel asserts that Pompidou was so attached to this notion of institutional flexibility that he intervened in the CCC debates to ensure that certain articles of the Constitution relating to the presidential function retained their ambivalence.²² This was not because Pompidou wished to reduce the level of power enjoyed by the Head of State; on the contrary, Pompidou's writings and his actions as President of the Republic strongly suggest that, like de Gaulle, he favoured flexibility precisely because it facilitated the establishment of a powerful presidency. Moreover, this would explain why Pompidou rejected the possibility of a US-style presidency for France, since such a system would almost certainly have made the Head of State more accountable to Parliament than under the 1958 Constitution.²³

According to Duverger, there is little to distinguish Pompidou's exercise of power from that of his predecessor, and he refers to their collective mandates as '*un bloc de pouvoir homogène, en forme de monarchie présidentielle*'.²⁴ Georgel takes this one step further by labelling the whole period from 1959 to 1986 as that of '*une démonarchie*'.²⁵ Although one may understand the reasoning behind such an assessment, it must be said that Georgel's notion of the Gaullist period as an unbroken continuum, unaffected by events, is oversimplified. De Gaulle's ambivalent approach to the 1965 presidential election campaign is one good illustration of the extent to which the boundaries of presidential intervention remain flexible. Prior to the first round of voting, de Gaulle favoured a non-interventionist approach, allowing his election team, led by the Prime Minister, to campaign on his behalf. During the run-up to the second ballot, however, de Gaulle descended into the political arena to explain and defend government policy. Similarly, we observed how Pompidou had initially allowed Chaban-Delmas to assume full control over national affairs, before opting to re-appropriate this area of policy-making, when the Premier's high public profile threatened to detract from his presidential authority. What Duverger and Georgel fail to take into account, therefore, is that the way in which presidential power is exercised under the Fifth Republic will also be

determined by factors outside of the Constitution, which are unique to each presidency. In her analysis of the Pompidou presidency, Decaumont acknowledges that constitutional theory and practice do give rise to different degrees of presidentialism because the level of ministerial subordination will depend upon the agenda, personality and public perceptions of each President. It will also, she might have added, depend upon the political conjuncture within each presidency operates.

Taking all these factors into consideration, a distinction may be made between Pompidou's style of leadership and that of de Gaulle; whereas the General had been happy to delegate considerable responsibility for domestic policy-making, routine administrative decisions and relations with the parliamentary majority to his ministers in order to focus upon foreign policy and defence,²⁶ Pompidou sought to bring all areas of government business under presidential control.²⁷ It is this crucial difference which must be borne in mind when distinguishing between de Gaulle and Pompidou's presidencies. For all their similarities, it is undeniable that their exercise of presidential power differed. Not that Pompidou's early presidential declarations indicated that he intended to govern any differently from de Gaulle.²⁸ As time passed, however, it became increasingly clear that he did not share de Gaulle's view of the President as an '*arbitre au-dessus des partis*', but favoured a more politically-engaged Head of State. The consolidation of presidential power, which took place under the Pompidou's leadership, is neatly encapsulated by Viansson-Ponté's description of the regime as one of '*hypergaullisme*',²⁹ and his assertion that '*il [Pompidou] gouverne là où de Gaulle le plus souvent se contentait de régner*'.³⁰

Pompidou's extension of presidential control only a few months after his election in 1969 was, we have argued, sparked by the feeling that his institutional pre-eminence was being undermined by Premier Chaban Delmas. We would also contend that this decision may have been partly influenced by his experience as Prime Minister under de Gaulle. After six years at Matignon, Pompidou had a greater knowledge of governmental dossiers than any of his appointed ministers, which automatically placed him in a commanding position and made him unwilling to relinquish control as Head of State. Backed by the massive parliamentary

majority returned in the 1968 elections, Pompidou had no difficulty imposing his style of government upon the members of his administration.

Arguably one of the best illustrations of what Hayward and Wright refer to as Pompidou's 'hyper-presidentialist' interpretation of the Constitution was his proposal to shorten the presidential mandate from 7 to 5 years, so that it coincided with that of the legislature.³¹ This was justified by the President on the grounds that '*la règle du septennat ne correspond plus au rôle que le Président de la République joue dans la définition des orientations générales de la politique nationale*'.³² Such was the increase in the level of presidential intervention in government affairs that Pompidou felt a five-year mandate would be more appropriate. Moreover, it might reduce the likelihood of voters electing a majority which opposed the President - one of the burning issues, and indeed the greatest presidential concern, of the 1973 legislative campaign.³³ Far from becoming a public vote-catcher, however, the project ended up being abandoned due to insufficient parliamentary support.³⁴

3.2 'Le système jusqu'au bout de sa logique?'³⁵

In a hastily organised electoral contest following Georges Pompidou's sudden death in April 1974, Valéry Giscard d'Estaing narrowly beat his main left-wing rival, François Mitterrand, to become the first non-Gaullist to be elected President of the Fifth Republic.³⁶ As candidate '*de la continuité et de la nouveauté*', Giscard made clear his intention to remain faithful to a presidentialist interpretation of the Constitution. This message was implicit in his first campaign press conference, when he chose to appear alongside a picture of Georges Pompidou. In addition to constituting an obvious mark of respect for the late President, this set-up was designed to establish a sense of continuity between Pompidou's exercise of power and Giscard's interpretation of the presidential role. Nevertheless, Giscard did acknowledge the need to strengthen the role of Parliament and the Constitutional Council, as well as to increase the level of co-operation between government and opposition parties.³⁷ Therefore, although he clearly endorsed the President's position as head of the French

executive, Giscard's early statements seemed to suggest that his would be a more open style of presidency with the possibility for greater institutional balance.³⁸

Despite these pre-election assurances, there is ample evidence to support the view that, during his first two years in office, Giscard tightened the presidential grip upon government and behaved more like a '*super-président*'.³⁹ From the very first cabinet meeting following his election, Giscard indicated that he did not share the view that the Head of State should act as a kind of constitutional monarch, but that he intended to govern effectively in order to implement his presidential programme - '*J'exercerai pleinement ma fonction présidentielle et les responsabilités qui en découlent. Je travaillerai directement avec mes ministres*'.⁴⁰ Giscard's decision to exploit his powers to the full resulted in an increase in presidential interference in policy-making, proving that he was just as willing as his predecessors to adopt a presidential reading of the Constitution.

The publication of so-called presidential '*lettres directives*' designed to orient government action is just one example of the way in which Giscard used his position to undermine that of Premier Jacques Chirac. Prior to 1974, these policy directives had remained confidential, and were sent exclusively to the Prime Minister, who would then liaise with the Ministers concerned.⁴¹ This gave, at least, some semblance of government autonomy. By abandoning this practice and opting to render such letters public, Giscard aimed to show that, contrary to article 20 of the Constitution, it was the President of the Republic, and not the government, who decides and directs government policy. Furthermore, by addressing these directives to the Ministers concerned, without having first informed the Prime Minister, Giscard disregarded any notion of government hierarchy set out in article 21.

The number of presidential '*conseils restreints*' also increased, as did the appointment of personal advisors (often without a parliamentary mandate), in particular those concerned with political and media issues.⁴² By 1978, there were 23 members of the presidential '*secrétariat général*', compared to only 17 when Giscard came to power.⁴³ This rise in the number of Elysée staff stands in direct contrast to the President's request in May 1974 that his ministers reduce '*leur cabinet ministériel et [...] l'intervention entre eux des services administratifs*'.⁴⁴ At

the time, this was portrayed as part of the Giscardian plan to modernise France's institutions, by stripping away excessive administration to produce a more up-to-date and efficient system of government. In retrospect, however, it may be argued that Giscard sought to encourage the down-sizing of government administration, whilst at the same time expanding his own team of advisors, in order to enhance the level of presidential control over decision-making.

Giscard also nominated ministers who had not first received prime ministerial approval, as dictated by article 8 of the Constitution. In January 1976, for instance, he decided to reshuffle the cabinet without involving Prime Minister Chirac in the decision-making process.⁴⁵ For the Gaullist Premier, the nature and extent of Giscard's interventions, which were short-circuiting government action, became intolerable.⁴⁶ Following a final disagreement with the President over the date of the next legislative elections, Chirac seized the initiative and resigned, issuing a short statement to the press which left no doubt as to the principal reason for his departure: *'je ne dispose pas des moyens que j'estime aujourd'hui nécessaires pour assurer efficacement mes fonctions de Premier Ministre et, dans ces conditions, j'ai décidé d'y mettre fin'*.⁴⁷

It is certainly ironic that a Gaullist should have become the first Premier to reject the convention of prime ministerial subordination, by demanding *'un renforcement sans équivoque de l'autorité du Premier ministre'*.⁴⁸ Not since the inauguration of the regime in 1958 had there been such an overt condemnation of presidentialism from a departing Premier, nor such a public display of ministerial insubordination. Giscard's refusal to grant Chirac greater autonomy, though hardly unique in the history of the Fifth Republic, was also somewhat paradoxical given his former criticism of de Gaulle's exercise of presidential power and his defence of parliamentary powers before his election to the Elysée. However, as Avril observes, Giscard did not appoint Chirac in order to share executive power, but because his nomination satisfied Gaullist Party expectations that its support for Giscard be appropriately rewarded.⁴⁹ Having decided not to dissolve the National Assembly in 1974 for fear of reducing the right-wing majority, Giscard's 'presidential majority' depended upon the disciplined backing of the Gaullists, as his own party, the Independent Republicans, had only

54 *députés* compared to the UDR's 185.⁵⁰ By appointing Chirac to Matignon, Giscard was able to win the confidence of the Gaullists and, consequently, a stable parliamentary majority upon which to rest his power. After his acrimonious split with Chirac, however, Giscard could no longer rely on the unreserved support of the UDR to pass government legislation. The effective loss of this presidential majority would have an important impact upon the nature and extent of Giscard's power between 1976-81.

Until Chirac's resignation, the President had played a leading role in policy orientation, secure in the knowledge that Gaullist party loyalty to the Premier would guarantee his reform programme a smooth passage through Parliament. But without the automatic backing of the Gaullists from August 1976 onwards, government legislation risked being defeated unless negotiations managed to produce sufficient parliamentary support. To avoid becoming too closely associated with such party political bargaining and possible government defeats, Giscard revised his highly interventionist political strategy in favour of a more arbitrational interpretation of the presidency. The nomination of the economist, Raymond Barre, as Chirac's replacement, was the first step in Giscard's re-definition of his presidential role: '*Le Premier ministre a été nommé pour redresser l'économie*', he stated, '*c'est sa tâche principale*'.⁵¹ Having handed over control for economic affairs to his Prime Minister at the very moment when France was entering a period of severe recession, Giscard ensured that Barre bore the brunt of public disenchantment with unpopular government policy decisions. Furthermore, the choice of a '*non-politique*' as Premier provided the President with an opportunity to remind the majority that he alone had the power to make ministerial appointments and would not be held to ransom by any political party.⁵² Finally, Giscard transferred responsibility for co-ordinating government relations with the now fragile parliamentary majority from the Prime Minister to three Ministers of State, Olivier Guichard, Michel Poniatowski and Jean Lecanuet, each of whom represented different currents within the majority - another move designed to distance the presidency from any inter-party squabbling.⁵³

3.2.1 *La dérive monarchique*

For the rest of his mandate Giscard sought refuge in the orthodox Gaullist notion of a Head of State above the party fray. In a lengthy press conference at the headquarters of Radio-France, on 21 November 1978, Giscard reminded journalists that '*Le Président de la République ne s'occupe pas des partis. Il s'occupe de la vie institutionnelle de la France [...] Le Président est celui qui veille sur le pont du navire [...] son rôle est de se préoccuper de la durée et de ce qu'il adviendra de la France*'.⁵⁴ Presenting himself as a symbol of continuity and vision,⁵⁵ however, Giscard was obliged to abandon his electoral pledge to reduce the presidential mandate to five years.⁵⁶ Similarly, his new-found mistrust of the party system, though somewhat at odds with his political background as leader of the *Républicains Indépendants* (RI), forced him to renounce his former plans to introduce proportional representation, which would have favoured the multiplication of parties within Parliament. To those listening to Giscard's speech commemorating the Fifth Republic's twentieth anniversary, it must have seemed as if time had stood still; the President's words could easily have been those of de Gaulle two decades earlier: '*Mon rôle comme Président de la République est de ne laisser aucun de ces partis faire le moindre pas vers l'affaiblissement des institutions, et notamment de celles qui exercent le pouvoir exécutif*'.⁵⁷

Yet Giscard's position was politically much weaker than de Gaulle's had ever been. Not only had he effectively lost his hold over the presidential majority in the National Assembly, but polls in the run-up to the 1978 parliamentary elections forecast a left-wing victory as an increasingly likely prospect. Furthermore, in attempting to nurture a more aloof, contemplative image as national judge, Giscard risked creating the impression that political power was slipping away from the Elysée, as he no longer appeared to be directly determining and animating government action. At the time, this move away from '*l'interprétation maximaliste de la fonction présidentielle*' was interpreted as a threat to presidential supremacy within the regime. Some commentators warned that a '*crise du présidentielisme*' was taking place under Giscard's leadership.⁵⁸ One such observer was former Gaullist Prime Minister, Michel Debré, who publicly questioned whether Giscard

possessed the right temperament to be President of the Fifth Republic, before going on to predict a potential '*crise du commandement politique*' if Giscard did not begin to govern with greater vision, clarity and dynamism.⁵⁹ Duverger also criticised Giscard for eroding the President's image by over-involving himself in personal rivalry over the Paris mayoral election, in which Jacques Chirac was standing. In an article published in *Le Monde*, Duverger reminded the President that: '*le roi ne doit jamais se mettre au niveau d'un féodal, si puissant qu'il soit*' and urged him to rise above such matters and regain the presidential heights.⁶⁰

Debré and Duverger's comments point to the emergence of a different experience of presidentialism from 1976 to 1981. For without the guaranteed support of the Gaullist parliamentary majority, Giscard began to exploit certain privileges attached to his function. This included appointing political allies, friends and family to key posts throughout French administration and ousting his adversaries from such positions, as a means of counteracting the damaging effect which this loss of political security was having upon his presidential authority.⁶¹ But while this may have been a reflection of presidential vulnerability, it nevertheless showed that any President, who found his political position weakened, could fall back upon the more monarchical trappings of the presidency to regain and even to extend his hold over the State. Political commentators have come to refer to this interpretation of presidential power, which relies increasingly upon symbolic props and lofty rhetoric, as '*la dérive monarchique*'.

It may seem somewhat paradoxical that Giscard's transformation from the highly interventionist President of 1974-76 to the figurehead of 1976-81 attracted criticism, given that this style of presidency bore striking similarities to the one championed by de Gaulle from 1958 to 1969. If we cast our minds back to Giscard's 1974 election campaign, when he presented himself as young, progressive and above all committed to listening to the needs of ordinary people, however, we may understand the reason for this reaction to Giscard's increasingly imperious presidential style towards the end of the 1970s. Voters had expected Giscard to breathe new life into the presidency, so when he began to behave in a distant and

authoritarian manner it sat uneasily next to his earlier image of dynamism and '*décontraction*'. Furthermore, unlike de Gaulle, whose grandiose political style was consistent with the historical and visionary role he played during the Second World War, Giscard's lofty behaviour seemed inappropriate and at odds with the kind of presidential leadership he had initially promised.

This negative impression was compounded by revelations of political scandals implicating the President and by the increasing frequency of questionable governmental practices, in particular the use of article 49-3 of the Constitution. By invoking this article, which Giscard described as '*un élément central de notre dispositif constitutionnel*',⁶² the Prime Minister was able to turn a vote upon a piece of legislation into a vote of confidence. It proved an effective means of pushing through unpopular policies without fear of defeat, as both Giscard and Barre knew that it was not in the interests of the Gaullist party to provoke an institutional crisis by joining with the Left to bring down the government. Nevertheless, the repeated use of article 49-3 was perceived by parliamentarians as an abuse of the Constitution since it prevented key issues from being democratically debated. In addition, the ever-worsening economic climate eventually led the Barre administration to introduce harsh policies in the fields of law and order and immigration, conservative policies which sat uneasily amongst the promises of '*ouverture*' and '*libéralisme*' that had brought Giscard to power.⁶³

Whatever the public and political perceptions of Giscard, his period in office demonstrates that presidential power within the French context is a flexible notion, dependent upon variables outside of the Constitution, including the composition of the parliamentary majority, the nature of presidential-prime ministerial relations, the personality and agenda of the President and the expectations of the electorate. It was this capacity to adapt presidential power to changes in the political conjuncture, which enabled Giscard to create an overall impression of continued (and some might argue enhanced) control during his last years in office, despite the fact that his position had been effectively weakened by the split in the majority. In this respect Giscard's mandate, more than those of his two predecessors, confirmed the presidency as the ultimate political goal for any party seeking power under the

Fifth Republic. It is not surprising then to find that during his period in office the *Parti socialiste* began to rethink its electoral strategy and restructure its internal organisation according to a broadly presidential agenda. Ironically for Giscard this process of presidentialisation, which gained significant momentum after his election to the Elysée in 1974, ultimately ended in defeat when his hopes of a second mandate were dashed following the election of his socialist rival, François Mitterrand, on 10 May 1981.

3.3 Mitterrand and the 'presidentialisation' of the French Socialist Party

As leader of the *Parti socialiste* (PS) from 1971 until his presidential election ten years later, François Mitterrand continued to be a major critic of the exercise of presidential power under the Fifth Republic. Throughout this period, he attacked what he perceived as the growing tendency for French Presidents to abuse their authority in order to control all aspects of political life. In particular, Mitterrand focused his attentions upon Giscard d'Estaing, whom he held responsible for the regime's decline into a quasi-dictatorship by the end of the 1970s: *'l'actuel Président concentre entre ses mains les trois pouvoirs traditionnels, exécutif, législatif et judiciaire et le pouvoir moderne de l'information, il gomme les institutions, tire sur toutes les cordes, extrait des textes tout leur jus, crée un régime qui n'a d'équivalent nulle part, un régime non-dit où la démocratie formelle couvre une marchandise importée du bric à brac des dictateurs'*.⁶⁴ Giscard's extension of the presidential sphere of influence was, he argued, eroding parliamentary power, mainly as a result of the repeated use of article 49-3 to push through government legislation, which risked being defeated due to the lack of a presidential majority in Parliament. Mitterrand denounced the regular application of article 49-3 on the grounds that this undermined the role of Parliament.⁶⁵ Nevertheless, he clearly appreciated the potential merits of such a mechanism, as he showed no desire to incorporate a proposal to restrict its application into the Left's plans for constitutional reform.

Mitterrand also accused both Giscard and Pompidou of being overly partisan in their exercise of power. In a parliamentary debate in February 1973, Mitterrand took the opportunity to remind Pompidou that '*le rôle du président de la République n'est pas de créer le désordre mais d'harmoniser les inévitables contradictions commandées par un grand peuple*'.⁶⁶ Four years later, he launched a similar attack upon Giscard, whom he believed was too closely involved in day to day political affairs to represent the interests of the country as a whole - '*la France a besoin d'un Président pour les Français et non d'un partisan*'.⁶⁷ Such comments seem to indicate that Mitterrand favoured a return to a more arbitrational interpretation of the presidential function, whereby the Head of State is the guardian of the Constitution and a symbol of national unity, as opposed to the driving force behind government policy. This was certainly the message conveyed by his assurances that '*un Président de la République socialiste aura pour mission de faire respecter la Constitution dans sa lettre, de vérifier que les usages n'ont pas dévié l'esprit de la Constitution [...], et faire que l'on trouve un moment où le Parlement devra retrouver sa fonction qui a aujourd'hui pratiquement disparu*'.⁶⁸

Yet this reading of the Constitution was at odds with Mitterrand's own position as a presidential candidate, whose main political objective was to ensure the implementation of the Common Programme. For just as he criticised Giscard for protecting the interests of those right-wing voters who brought him to power, so Mitterrand was open to accusations that, as President, his actions would be determined by the social, economic and political concerns of the Left. Given his role as one of the key actors in the elaboration of the Left's joint electoral programme in 1972, it was hard to believe that Mitterrand would be prepared, or indeed able, to withdraw from domestic politics to a position above the party fray if he were elected. In this case, one might suggest that his rejection of Giscard's attempts to be '*à la fois arbitre et capitaine*' was unrealistic.⁶⁹ Without de Gaulle's historical legitimacy, all '*présidentiables*', including Mitterrand, were now the products of party machines. Consequently, it seemed likely that the presidency *would* take on a more party political dimension in de Gaulle's wake even if, as Mitterrand pointed out, this was not explicit in the Constitution.⁷⁰

As the above discussion shows, Mitterrand's interrogation of the Pompidou and Giscardian administrations did not always help to produce a clearer picture of what he considered to be the correct parameters of presidential power. More often than not, it added to the contradictions and ambiguities that had come to characterise his interpretation of the presidency since the 1960s. This confusion was certainly not helped by Mitterrand's sporadic assertions that '*la France n'est pas [...] dans un régime présidentiel, elle est dans un régime parlementaire*'.⁷¹ For although he may have been correct in claiming that a balanced reading of the Constitution should have established a parliamentary regime, with the Prime Minister at the head of the French executive,⁷² Mitterrand's argument was substantially undermined by the fact that none of the institutional changes put forward by the Left seriously threatened to alter the Fifth Republic's presidential bias. In fact, one such reform, that of the reduction of the Head of State's mandate to five years, seemed more likely to reinforce the presidency as the main source of political power. This was, after all, Pompidou's principal motivation for wanting to shorten the presidential term of office in 1973.

On the one hand, Mitterrand continued to demand a more faithful application of the Constitution, with less presidential intervention and enhanced prime ministerial autonomy. On the other, he proposed only limited measures aimed at achieving this objective. The Common Programme did include some elements of institutional reform, but on the whole it was a party political document concerned with instigating far-reaching social and economic change. In spite of his bitter criticism of presidential politics during the 1970s, therefore, all the evidence points to the fact that Mitterrand had begun to accept and adapt to the predominantly presidential nature of the regime. This reconciliation became much clearer in 1981 when, having been successfully elected as the first socialist President of the Fifth Republic, he made the following declaration: '*J'exercerai dans leur plénitude les pouvoirs que me confère la Constitution. Ni plus ni moins [...]. Les institutions n'étaient pas faites à mon intention. Mais elles sont bien faites pour moi*'.⁷³

Mitterrand's historic victory brought an end to over two decades of opposition for the French Left; opposition not only in the sense that it had been deprived of executive power within the

regime, but also in terms of its hostile attitude towards the presidency since the introduction of universal suffrage in 1962. Certainly, Mitterrand still acknowledged that the balance of power within the Republic was far from perfect, but as the above remark illustrates, he no longer questioned the legitimacy of de Gaulle's institutions, nor did he show much inclination to fundamentally challenge the principle of presidential supremacy inherent in the Constitution. In the following examination of Mitterrand's leadership of the Socialist Party between 1971 and 1981, we will show how this acceptance of presidential politics saw the party transformed from an essentially anti-personalist movement, primarily driven by the quest for local representation and parliamentary power, into a mass rally around Mitterrand's persona or, as Mitterrand himself described it - '*un certain rayonnement lié à ma personne*'.⁷⁴

3.3.1 Sowing the seeds of change: the Epinay congress 1971

The roots of this reconciliation to French presidentialism date back to the Epinay Congress of June 1971, when Mitterrand re-emerged as the central figure in the non-Communist Left's quest for power. At this meeting of PS delegates, Mitterrand's calls for '*un front de classe*' based upon the union of the Left and, more specifically, the definition of a joint PS-PCF electoral programme, won him the support of an unlikely alliance of factions within party.⁷⁵ Collectively, their votes were enough to see his motion narrowly carried and his appointment as Socialist Party First Secretary followed.⁷⁶ Once installed at the helm of the PS, Mitterrand set about shaping it into a credible presidential party, as well as a party of government, something he had never attempted to do as leader of the old FGDS.

Interestingly, the Epinay debates themselves provide little evidence to suggest that those who backed Mitterrand at the time were consciously servicing a presidential strategy. In his keynote speech, Mitterrand focused almost entirely upon '*la vocation majoritaire*' of the PS and the need to re-conquer '*le terrain perdu aux communistes*' by means of a joint electoral platform, without making any direct reference to the presidency. Considering that this office was now firmly embedded in the political culture of the Fifth Republic, it is perhaps surprising that Mitterrand chose to exclude it from what he must have known would be one of the most

important speeches of his career. This omission is all the more striking if one considers that so much of Mitterrand's political discourse from 1958 onwards had been preoccupied with the question of presidential '*pouvoir personnel*'.

There are, however, several reasons why Mitterrand might have avoided alluding to the presidency at Epinay. Firstly, any acknowledgement of the importance of presidential power could have potentially been misconstrued, resulting in the same accusations of hypocrisy and personal ambition that he had encountered in May 1968. Some factions within the Left were still highly uncomfortable with the personalist aspects of presidential politics. It would, therefore, have been ill-advised for Mitterrand to broach such a sensitive subject, if he wanted to rally support for his leadership. Secondly, Epinay may be seen as an exercise in political realism, with Mitterrand tackling the Left's problems in order of perceived priority; there was no point in broaching a contentious subject like the presidency, when the PS had yet to agree upon an effective electoral strategy and a detailed legislative programme. This interpretation is implicit in Mitterrand's remarks that '*il n'y aura pas d'alliance électorale s'il n'y a pas programme électorale. Il n'y aura pas de majorité commune s'il n'y a pas de contrat de majorité. Il n'y aura pas de gouvernement de gauche, s'il n'y a pas de contrat de gouvernement*'.⁷⁷ Finally, it could also be argued that the presidency was no longer an institution which Mitterrand actively sought to challenge. It is not without significance that '*le monopole [...] de l'argent*' had apparently replaced de Gaulle's presidential omnipotence as '*le véritable ennemi*' of French society in Mitterrand's Epinay speech.⁷⁸

If, as Portelli maintains, delegates were simply selecting a strategy for legislative elections with no hidden presidential agenda,⁷⁹ the question remains why so many opted to support Mitterrand, who was not even a card-carrying member of the PS when the congress opened?⁸⁰ Given that there was very little ideological ground separating Mitterrand's Epinay motion from that of his main rival, the incumbent PS leader, Alain Savary,⁸¹ there is a case to argue that those PS members who backed Mitterrand did so because he had a proven track record as a presidential contender. This is certainly the view of Schneider and Du Roy, who describe the real objective of the Epinay Congress as one of leadership selection, as opposed

to policy elaboration.⁸² In his account of events at Epinay, Giesbert also acknowledges the partial validity of this assessment, but he contends that it was also '*en voulant terrasser Guy Mollet que le congrès a foudroyé Alain Savary, son allié*'.⁸³ In other words, Giesbert sees Mitterrand's victory as more indicative of a rejection of the enduring influence which Mollet exercised over party decision-making and organisation via his colleague Savary, than a positive endorsement of Mitterrand's leadership qualities, political agenda or presidential chances.⁸⁴ It could, however, be argued that this in itself signalled an awareness amongst delegates that the party had to break with the past in order to build successfully a new and unified socialist movement around an electable personality. Having listened to Mitterrand's speech at Epinay, few could have been in any doubt that he shared this long term vision of a rejuvenated party or that he possessed the strong leadership qualities needed to turn such an objective into a political reality.⁸⁵

Mitterrand had learned two important lessons from his political battles of the 1960s, the first being that the PS needed to adapt its electoral strategy to the bipolarising tendencies of the regime; the second that political power under the Fifth Republic was first and foremost presidential. The most effective means of gaining control of the State to bring about the change of society proposed by the Left was, therefore, through the election of a socialist President. To achieve this, Mitterrand realised that any candidate would require the backing of a strong and unified movement over which he had full control. In the following analysis we will see that these preoccupations played a significant role in determining the way in which the PS evolved throughout the 1970s. Under Mitterrand's leadership the party went through a gradual process of structural and ideological change that reflected an implicit acceptance of this new presidential reality and the imperatives which it imposed. A fact which Mitterrand would eventually admit in the run-up to 1981: '*le chef de l'Etat dispose de grands pouvoirs que nous ne lui contestons pas [...], que nous ne lui contestons d'autant moins que nous entendons nous-mêmes exercer ces pouvoirs*'.⁸⁶

3.3.2 '*Une révolution silencieuse*'⁸⁷

From an organisational perspective, the presidentialisation of the PS brought about a redistribution of decision-making powers, which established a hierarchy within the party closely resembling that of the Fifth Republic.⁸⁸ Far from serving as 'the mouthpiece for a collective leadership' as had originally been envisaged when the party was formed in May 1969,⁸⁹ Mitterrand soon acquired a pseudo-presidential status as First Secretary, which enabled him to impose his political ideology upon the PS. This is ably illustrated by the nature of the party's relationship to the PCF throughout the 1970s; the PS-PCF alliance and the signature of the Common Programme in June 1972 were the result of Mitterrand's personal conviction that the Communist Party had to be recognised as a political and sociological reality (and potentially fertile territory for PS recruitment), but nothing more. This was not a view shared by other key groups within the party, such as CERES, which regarded the PS and PCF as equal partners, and the PSU, which wholly disapproved of the Left Alliance. By the end of the 1970s, Mitterrand's endeavours to manoeuvre himself into an unassailable position as party leader left him open to the same criticisms of monarchical comportment being levelled at Giscard d'Estaing. Not only did the structure of the PS come to parallel that of the regime, but so Mitterrand's leadership too took on certain characteristics associated with traditional presidential practices under the Fifth Republic.

Whilst the Socialist Party's adaptation to presidential politics ultimately dates back to Epinay when Mitterrand was elected First Secretary, it was not until after the 1974 presidential election that its effects upon the internal workings of the party became more apparent. Despite the fact that Mitterrand failed to beat Giscard in the second ballot in 1974, the closeness of the contest was generally interpreted as evidence of his effective leadership of the party since Epinay.⁹⁰ Mitterrand was able to seize upon the subsequent surge of support for him within the party to strengthen his control over the internal workings of the PS. He began this process by calling for a great gathering of socialist forces, including those smaller left-wing movements which had so far chosen to retain their independence from the PS, in a bid to broaden its electorate.⁹¹ This meeting, known as the '*Assises du socialisme*', took place at Nantes in October 1974. Described by Johnson as '*a stage-managed consecration*

to the *presidential Mitterrand*,⁹² it had a positive impact upon his immediate efforts to presidentialise the PS; the readiness of groups like the PSU and CFDT to respond to such an appeal further endorsed Mitterrand as the central rallying point for the whole of the French Left, and its best chance of overcoming ideological divergences in order to win power. In the long-run, however, the *Assises* proved more problematic for Mitterrand, mainly due to its role in precipitating the PSU's decision to join Socialist Party ranks.⁹³ Not only has this been generally regarded as a major contributory factor in the gradual disintegration of the PCF-PS alliance, but rather ironically, it also led to the emergence of PSU leader, Michel Rocard, as a serious rival for control of the party in 1979. As we will see, Mitterrand's determination to protect himself from such challenges led him to become increasingly manipulative and authoritarian in his leadership of the PS.⁹⁴

Arguably the most important changes to the structure of the PS occurred around the time of the Pau Congress in 1975, when Mitterrand successfully evicted CERES from the party leadership (*le secrétariat*).⁹⁵ Having helped him secure victory at Epinay, the presence of CERES representatives at executive level had become an irritation to Mitterrand; not only due to their known leadership aspirations, but also because they intended to assume the role of arbiter between the PS and PCF, and this did not feature in Mitterrand's strategy for relations with the Communists. The departure of CERES cleared the way for the First Secretary to surround himself with loyal supporters, who would not question his political strategy or vision for the party's future.

The creation of so-called '*délégations générales et nationales*' and '*rapporteurs spéciaux*' may be seen as the next important stage in Mitterrand's domination of the PS. In his study of the party's evolution throughout the 1970s, Salomon notes that these groups and individuals, who were personally appointed by the First Secretary to fulfil specific missions or to examine certain areas of policy-making, were under no obligation to work with the party representatives assigned to the same tasks, since their posts lay outside of PS statutes. This unofficial status did not, however, prevent such 'special advisors' from participating (with increasing frequency) in meetings of the Executive Bureau and Secretariat.⁹⁶ Salomon notes

that their presence swelled the size of these bodies to such an extent that they ceased to fulfil their intended roles effectively. It is more than mere coincidence that around the same time, Mitterrand began to hold more informal, private meetings, where important issues would be discussed and decided amongst advisors, before being presented as quasi *faits-accomplis* to these official bodies.⁹⁷ Without CERES to challenge decisions within the Secretariat, Mitterrand had no trouble imposing them upon the executive.

Mitterrand's appointment of advisors and committees answerable to him alone formed part of a strategy designed to enable him to oversee all aspects of decision-making within the party. For whilst there may have been an expectation that the First Secretary would not concern himself with the day to day running of the PS when he was first elected, by the mid 1970s it was clear that he intended neither ideology, nor organisation to escape his control. As Bizot remarked, '*il sait toujours très bien qui fait quoi, il se mêle des choses dont il se préoccupait peu auparavant, rapide comme un papillon et très précis – c'est un renforcement de la présence de Mitterrand*'.⁹⁸ Mitterrand even called upon the services of two management consultants to advise him on the best way of restructuring the party to compete effectively within the regime. The framework they proposed bears a striking similarity to that of the Fifth Republic and imposed strict limits upon the power of militants and party representatives, whilst according '*une liberté infiniment trop grande à la personnalité qui se trouve à la tête du parti*'.⁹⁹

Mitterrand's success in transforming the PS into a movement centred round his leadership is illustrated by the fact that his efforts to place his supporters in key positions throughout the party met with relatively little opposition. As one party member remarked '*le renforcement de son pouvoir nous paraissait dans l'évolution naturelle des choses*' – most delegates saw it as a logical progression or necessary response to the political norms imposed upon the party by the regime.¹⁰⁰ However, some concerns were voiced regarding Mitterrand's increasingly authoritarian leadership style. At the Pau Congress, for instance, Bizot recalls an anonymous letter being circulated amongst delegates drawing their attention to the fact that every issue was being turned into a vote for or against Mitterrand.¹⁰¹ Following the Left's defeat in 1978,

Pierre Mauroy, one of Mitterrand's most loyal colleagues, also began to question what he perceived as the exercise of a '*pouvoir personnel à la tête du parti*'.¹⁰² He disapproved of Mitterrand's manipulative style of leadership. Instead of endeavouring to eradicate factional rivalry within the party, for example, observers have noted that Mitterrand actively sought to exploit the ideological differences between groups in order to maintain his supremacy as First Secretary in a classic display of divide and rule.¹⁰³ In so doing, Mitterrand was able to portray himself as the great unifier without whom the party would be bound to fragment, in the same way that de Gaulle had presented his leadership as a choice between coherence and chaos. Mauroy regarded such actions as damaging to the party and a sign that Mitterrand had become too powerful. Like CERES, he also disapproved of the '*phénomène de cour*', which was growing up around the First Secretary, with individuals competing against one another for attention and promotion.¹⁰⁴

Questioned by the author about these negative appraisals of Mitterrand's leadership style towards the end of the 1970s, former socialist President of the National Assembly and loyal *Mitterrandiste*, Louis Mermaz struggled to provide a convincing explanation. Conveniently ignoring the fact that it was Mauroy who chose to break with Mitterrand in 1978, Mermaz claimed that such criticisms were motivated by envy, as Mauroy found himself outside of Mitterrand's inner circle.¹⁰⁵ When pressed to justify the increasing personalisation of the PS and the domination of party structures by Mitterrand and his supporters, Mermaz was clearly uncomfortable. He contended that it was only natural that any party leader should want to surround himself with people he trusted, and who shared his political views, before going on to repeatedly assert that such actions were part and parcel of '*le jeu du pouvoir*'. Although careful to avoid reproducing the term 'presidentialisation' employed by the author in her questions, Mermaz did admit that Mitterrand was '*omniprésent*' within the party and understood how best to prevent challenges to his leadership from rivals: '*il savait qu'il ne fallait pas les combattre, il fallait les enfermer*'. This would appear to corroborate Salomon's findings that Rocard's membership of the Secretariat enabled Mitterrand to keep a closer eye on him, especially as his every move was overseen by Jacques Attali.¹⁰⁶ It also supports our own view that Mitterrand succeeded in fighting off Rocard's leadership bid at Metz by

radicalising his policies and discourse in order to pigeon-hole his challenger into the role of party traitor and divider. Unsurprisingly, Mermaz rejected this interpretation of events, arguing that Mitterrand had never sought to sabotage Rocard's attempts to become the official PS presidential candidate, but felt such moves were precipitous.¹⁰⁷ This is certainly not borne out by opinion polls carried out in the run-up to the 1981 contest, which confirmed Rocard as the public's favoured choice for PS candidate.¹⁰⁸ If Mitterrand's leadership really was about winning State power for the party rather than himself, one questions why he did not allow Rocard to stand in 1981, since surveys clearly indicated that he had a better chance of victory.

Rocard's leadership bid may also be seen as additional evidence of Mitterrand's successful transformation of the PS into a presidential machine, since it demonstrates the extent to which factions within the party had adapted to the increasing importance of personalism in left-wing politics. Any group wishing to take over the leadership of the party had to first find a potential presidential candidate to lead that challenge. Without such an individual, a faction stood little chance of attracting the majority backing required to realise its objective. Even then success was not guaranteed, as shown by Rocard's failure to unseat Mitterrand at Metz in 1979. Despite his high public profile as a credible '*présidentiable*', Rocard did not have the backing of a majority of factions within the PS itself. This not only prevented him from mounting a successful leadership challenge but, as a result of Mitterrand's efforts to cultivate his image as the personification of modern French Socialism, Rocard's actions were easily portrayed by Mitterrand's supporters as 'a disloyal attack on the party'.¹⁰⁹

Clearly, the above account provides a very general overview of the impact which presidential politics had upon the organisation of the PS during Mitterrand's decade as First Secretary. What most commentators, with the notable exception of Olivier Duhamel, fail to underline about this process of restructuring is that it was never explicitly acknowledged by the party. On the contrary, it was something 'understood' or implied - a kind of tacit agreement undertaken by PS members which granted Mitterrand the power to transform the party into a movement focused around his leadership. Therefore, although one may agree with Gaffney

when he concludes that, during the 1970s, the Socialist Party came to realise that personalism was a necessary ingredient in the quest for the presidency,¹¹⁰ it should be pointed out that this 'realisation', and its effects upon the power structure within the party, were not easily admitted or discussed by the PS. As our interview with Louis Mermaz showed, the mere mention of 'presidentialisation' still provokes an uneasy reaction from senior PS figures, who remain uncomfortable with this highly individualist aspect of Fifth Republican politics.

Mitterrand was certainly well aware of the contentiousness of this issue within the PS. In an interview with *Le Nouvel Observateur* in 1973, he acknowledged that although his election as First Secretary did inject an element of personalism into the PS leadership which had previously been missing, such a dimension would, in the long-run, prove detrimental to the party.¹¹¹ This statement may, of course, have reflected genuine concern on Mitterrand's part that PS policy objectives should not be over-shadowed by the attention being given to his leadership. The increasingly personalised nature of Mitterrand's discourse and leadership after 1973, however, seems to indicate that it was most likely designed to counter any accusations of selfish ambition, which might have jeopardised his position within the party.

The 'silent revolution', which transformed the internal workings of the PS was also manifest on an ideological and discursive level. Mitterrand's speeches and manifestos from the 1974 presidential contest, for instance, strongly indicate that a reconciliation between the presidency and its self-appointed adversary in-chief had already been underway for some time. Ten years after *Le Coup d'Etat permanent*, the question of institutional change had ceased to be the burning issue that it had been in 1965.¹¹² From 1969 onwards, voters were being asked to make a more traditional political choice between the types of society proposed by the Left and the Right. Therefore, although constitutional reform still featured as part of Mitterrand's 1974 presidential platform,¹¹³ it was largely overshadowed by the economic and social policies that he was advocating.¹¹⁴ This reorientation of the Left's priorities was evident in the five broad themes on which Mitterrand chose to centre his campaign.¹¹⁵ No separate category was created for '*Institutions*' as had been the case for the 1965 election and the

1972 Common Programme. When Mitterrand did broach the subject of presidential authority, it was not to contest the President's position at the head of the French executive, but to highlight the fact that the election of a Socialist to that office would simply guarantee a more democratic distribution of power within the existing hierarchy of the Fifth Republic - *'il faut que le Président de la République soit le premier dans l'Etat mais qu'il ne doit plus être le seul'*.¹¹⁶ This constituted a veiled reference to those aspects of the Common Programme, which aimed to enhance the powers of Parliament and the judiciary, so that the State no longer ran the risk of being wholly incarnated in one individual.¹¹⁷

Mitterrand's campaign strategy in 1974 also suggested that he had acquired a sophisticated appreciation of French presidential culture. Rather than declare his candidature independently as he had in 1965, Mitterrand waited until the parties on the Left called upon him to stand as their official candidate before announcing his decision to run.¹¹⁸ As a result, his candidacy acquired a legitimacy which had been missing from his first presidential bid, and it allowed Mitterrand to present himself as a leader capable of uniting the main political movements on the Left towards a common goal. Having been democratically selected as the *'candidat commun de la gauche'*, Mitterrand then resigned his post as leader of the PS to focus upon his election campaign. Instead of conferring responsibility for its co-ordination upon either the PS or the PCF, however, he appointed his own team of advisors, most of whom were trusted friends and associates as opposed to leading figures in left-wing politics.¹¹⁹ It was essential for Mitterrand to create a distance between himself and his party in order to cultivate a suitably presidential image. This explains his decision to condense the complexities of the Common Programme into a more general platform of themes in the run-up to the first round of voting, as well as the readiness on the part of the PS to grant him such a margin of manoeuvre.¹²⁰ It also accounts for the congruence between Mitterrand's and Giscard's remarks, as both candidates sought to rise above the party fray in order to attract the maximum number of floating voters before the decisive second ballot. After the first round of voting Giscard d'Estaing commented that *'il faut que ce soit la France qui gagne'*, whilst Mitterrand said he hoped to *'faire gagner la France'*. Similarly Giscard's chosen slogan in his

poster campaign - '*Le Président de tous les Français*' was barely indistinguishable from Mitterrand's '*Un président pour tous les Français*'.¹²¹

Further evidence of Mitterrand's reconciliation to presidential politics may be found in his increasingly positive reflections upon de Gaulle's political legacy. During the 1970s, Mitterrand's opposition to de Gaulle's exercise of power clearly mellowed, to the point where, at times, he seemed to have completely forgotten the bitter attacks on de Gaulle and Gaullist Party policy, which characterised his discourse throughout the 1960s - '*moi qui n'ai jamais été gaulliste, j'ai toujours refusé d'être anti*'.¹²² By 1981, Mitterrand readily conceded that de Gaulle had been more respectful of constitutional guidelines than either of his successors.¹²³ In some instances, he even went so far as to liken himself directly to de Gaulle, both in terms of his ability to attract cross party support as '*le candidat de tous les Français*' and his role in the Resistance during the Second World War.¹²⁴ Of course, it may be the case that having experienced the evolution of presidentialism under Pompidou and Giscard, Mitterrand really did regard de Gaulle as the least of three evils. It seems more probable, however, that the PS leader's growing affinity with the language and political choices of the regime's founder reflected his new understanding of the norms governing of presidential politics. In other words, Mitterrand accepted that de Gaulle's eleven years as the first President of the Fifth Republic had established certain unofficial criteria, both discursive and behavioural, to which any potential presidential contender had to comply. This need to construct an appropriately presidential image for the electorate would explain Mitterrand's attempts to highlight links between himself, the Left and de Gaulle. As the leader of the PS, it was difficult for Mitterrand to convince voters that he was capable of rising above party political allegiances to govern in the interests of all the French. However, by reflecting positively upon de Gaulle's period in office and incorporating traditional Gaullist concepts like '*rassemblement*', national unity and grandeur into his discourse,¹²⁵ Mitterrand was able to construct a credible presidential persona.

It is here that an important distinction must be made between Mitterrand's national addresses, for example television interviews and press conferences (particularly when he was speaking

as a presidential candidate), and those delivered before an audience of loyal PS supporters. For whilst the former increasingly included classic Gaullist rhetoric,¹²⁶ the latter remained overtly partisan, with a great deal of emphasis placed upon both the PS' identity and ideology.¹²⁷ It is this difference between Mitterrand's public and party discourse which best illustrates the dilemma he faced throughout the 1970s, as he sought to reconcile two apparently contradictory roles - those of Socialist Party leader and presidential candidate. On the one hand, Mitterrand had to tone down the party political references in his national speeches in order to convince a wider audience that he possessed the necessary vision and statesmanlike qualities to be Head of State - '*je serai l'homme de la reconciliation [...], du rassemblement, du dialogue*'.¹²⁸ On the other, he had to reassure the Left of his commitment to the Common Programme, by employing a highly partisan language and regularly acknowledging his dependency upon the party for his power - '*il ne s'agit pas de moi. C'est le parti tout entier qui s'engage maintenant dans la bataille décisive qui débute aujourd'hui. Sans vous, je ne suis rien*'.¹²⁹

In his public speeches, Mitterrand sometimes managed to accommodate the dual requirement to be both partisan and presidential by using slogans which combined the two notions, such as '*le rassemblement populaire pour le redressement national*'.¹³⁰ Nevertheless, it is true to say that his campaigns in both 1974 and 1981 were more politicised than any previous presidential bids. As PS First Secretary and one of the leading architects of the Common Programme, there was never any doubt that Mitterrand's appointment as Head of State would not only bring about a change of leadership, but also a change of political direction for France.¹³¹ Moreover, it was clear to the electorate that this '*changement*' was much more than just vague, political rhetoric; by 1981 it had become '*110 propositions pour la France*',¹³² the most detailed presidential manifesto that the Fifth Republic had seen.

It would seem, therefore, that Mitterrand's appointment as Head of State in 1981 was likely to deliver a new style of presidency; not as a result of the institutional reforms he was proposing (since they were unlikely to bring about any major changes in the balance of power within the regime), but because he appeared determined to make full use of his presidential

prerogatives in order to implement the Socialist Party programme - *'je souhaite gagner l'élection présidentielle, je pense la gagner, mais quand je l'aurai gagnée, je ferai tout ce qu'il conviendra de faire, dans le cadre de la loi, pour gagner les élections législatives'*.¹³³ Never before had a presidential contender chosen to associate himself so closely with the political objectives of a specific party. In doing so, Mitterrand risked linking his own fate to the success or failure of those policies, providing he received the parliamentary majority required to realise them.

3.4 Concluding remarks

Our discussion of the evolution of French presidentialism during the 1970s has shown how this period witnessed a consolidation of the presidential interpretation of the Constitution which characterised de Gaulle's presidency. In the case of Pompidou, this was hardly surprising; not only had he displayed an acceptance of presidential pre-eminence as de Gaulle's Premier between 1962 and 1968, but he also inherited de Gaulle's 1968 landslide parliamentary majority to support his presidential leadership.

That said, it should be acknowledged that, in the early stages of his presidency, Pompidou did not restrict the scope of prime ministerial action. There are several possible reasons why he decided initially to grant Prime Minister Chaban-Delmas greater political authority. On the one hand, this may have been a conscious choice on the part of the new President, who wanted to make his own mark on the regime by breaking with de Gaulle's style of leadership. On the other, one could argue that in the period immediately after an election the President's legitimacy is so strong that he does not need to closely involve himself in domestic affairs to bolster his authority. A third explanation may also be put forward which relates to factors outside of presidential control, namely public and prime ministerial expectations concerning the balance of power under the regime. Pompidou was certainly aware that the level of popular disenchantment with de Gaulle's overbearing presidential style favoured a return to a more balanced reading of the Constitution, which accorded greater decision-making power to the Premier. He also knew that Chaban-Delmas did not accept de Gaulle's interpretation of

the Constitution which robbed the government of its power to determine domestic policy orientation.¹³⁴ We would argue, therefore, that the combined force of these two extra-constitutional variables was enough to dissuade Pompidou from attempting to dominate all aspects of decision-making when he first took office. As soon as Chaban's popularity began to threaten the President's status, however, Pompidou did not hesitate to draw upon the ambiguity of constitutional guidelines and established political conventions as a means of re-asserting his supremacy within the regime.

Despite assurances that his election would breathe new life into the institutions of the Fifth Republic, we saw how Giscard d'Estaing's exercise of presidential power simply served to reinforce the presidential practices of his predecessors. But if presidential power seemed to increase under Giscard's leadership, this resulted from the interaction of different factors which were unique to his presidency. In particular, it was the lack of a 'presidential' parliamentary majority in the National Assembly and the threat this posed to Giscard's power base which led him to explore the more monarchical aspects of the presidential role. He did this so effectively that, by the end of his mandate, he was portrayed by his critics as more authoritarian than de Gaulle had ever been. Therefore, although Giscard's political power was undoubtedly diminished by the withdrawal of Gaullist support for his leadership after 1976, his exploitation of the ceremonial trappings of the presidency ensured that he was able to protect his position within the regime. This showed that presidential power was not only dependent upon constitutional and political factors, but also upon the personality of the incumbent and his ability to draw upon the more symbolic aspects of power as a means of bolstering his authority.

In nurturing this lofty, authoritarian image to compensate for his lack of political majority, however, Giscard saw public opinion turn against him in favour of his presidential rival, François Mitterrand. Having begun to accept the permanence of the regime and the need to adapt to the norms governing presidential politics during the 1960s, Mitterrand spent the next decade transforming the Socialist Party into a party capable of winning the presidency. He understood only too well the political realities imposed upon the Left by the introduction of

direct presidential elections and, under his leadership, the PS underwent its own process of 'presidentialisation' in order to compete effectively for power. But this did not alter the fact that as the leader of the PS competing for the presidency in 1981, Mitterrand's candidature remained inextricably linked to the implementation of his party's programme of reforms. Exactly how this level of political engagement would affect his exercise of power remained to be seen. This is a question which we will seek to answer in the following analysis of Mitterrand's first five years in office from 1981 to 1986.

Notes to Chapter 3

¹ See Decaumont, p.15.

² 'Mon interprétation sera l'interprétation présidentialiste de nos institutions mais dans le cadre des textes existants'. See Valéry Giscard d'Estaing cited in 'M. Giscard d'Estaing a réaffirmé sa volonté de changement et de libéralisme', *Le Monde*, 27 July 1974, p.2.

³ Jean Gicquel, *Essai sur la pratique de la Cinquième République: Réflexions sur la seconde décennie du régime* (Paris: Librairie générale de droit et de jurisprudence, 1977), p.5.

⁴ Pierre Avril, 'Ce qui a changé dans la Cinquième République', *Pouvoirs*, 9 (1979), 53-70 (p.58).

⁵ Ibid.,

⁶ Avril sees this as a '*choix de la discretion*', which was designed to contrast with the grandiose and increasingly unpopular presidential style of de Gaulle. Ibid.,

⁷ In a press conference held on 10 July 1969, Pompidou defined the President of the Republic as '*à la fois chef suprême de l'Exécutif, gardien et garant de la Constitution [...] à la fois arbitre et premier responsable national*'. See 'Le texte intégral des déclarations du président de la République à la conférence de presse de l'Elysée', *Le Monde*, 12 July 1969, pp. 2, 3 & 4.

⁸ Andrew Knapp, *Gaullism since de Gaulle* (Aldershot: Dartmouth, 1994) p.29.

⁹ See Jacques Chaban-Delmas, *L'Ardeur* (Paris: Stock, 1975), p.362 and Alain Peyrefitte, *Le Mal français* (Paris: Plon, 1976), pp.95-99.

¹⁰ Cited by Jacques Julliard in *Esprit*, May 1974, p.773.

¹¹ Duverger, *Echec au roi*, pp.143-4.

¹² Gicquel, *Essai sur la pratique de la Cinquième République*, p.6.

¹³ This appears to be corroborated by the fact that the term '*présidentialisme*' did not appear in *Le Petit Robert* of 1969.

¹⁴ '*L'installation pratique et l'application authentique du régime date de cette période*'. Gicquel, *Essai sur la pratique de la Cinquième République*, p.4.

¹⁵ Decaumont, p.24.

¹⁶ Michel Bonnard, '*Le Président de la République*' in *Institutions et vie politique: les notices* (Paris: La Documentation française, 1991), p.30.

¹⁷ He describes Pompidou's presidency as '*une pâle imitation de la précédente*'. Gicquel, *Essai sur la pratique de la Cinquième République*, p.4.

¹⁸ Decaumont, p.15.

¹⁹ See for example Georges Vedel's article 'Les Deux Constitutions' in *Le Monde*, 10 January 1973, p.1.

²⁰ Decaumont, p.24.

²¹ Georges Pompidou, *Le Nœud gordien* (Paris: Flammarion, 1974), p.68.

²² See Eric Roussel, *Georges Pompidou* (Paris: Lattès, 1984), p.103.

²³ Pompidou described the US presidential regime as '*le dernier recours le jour où nous serions près à retomber dans le régime d'Assemblée*'. Pompidou, p.68.

²⁴ Duverger, *Echec au roi*, p.141.

²⁵ Georgel, p.21.

²⁶ This had the added advantage of protecting the President from the damaging affects of unpopular policy decisions.

²⁷ '*Il remplit tous les cadres laissés vides ou imprécis par le Général de Gaulle et occupe ainsi tout le terrain politique*'. Decaumont, p.25.

²⁸ See for example his comments at a press conference held on the 2 July 1970 in *La Constitution française du 4 octobre 1958*, pp.26-7.

²⁹ Pierre Viansson-Ponté, 'De l'ouverture à la fidélité', *Le Monde*, 7 July 1972, p.1 & 2.

³⁰ Pierre Viansson-Ponté, 'Le nouveau style du régime', *Le Monde*, 28 January 1970, pp.1 & 9.

³¹ On 3 April 1973. See Didier Maus, '*Les réformes constitutionnelles de la fonction présidentielle*' in *La France présidentielle*, ed. By Nicholas Wahl & Jean-Louis Quermonne, p.213.

³² Ibid.,

³³ Serge Sur, *La Vie politique en France sous la Cinquième République*, 2nd edn (Paris: Montchrestien, 1982), p.458.

³⁴ See article 89 of the 1958 Constitution.

³⁵ *Valéry Giscard d'Estaing pousse le système inauguré par le général de Gaulle et poursuivi par Georges Pompidou jusqu'au bout de sa logique*. Alain Duhamel, *La République giscardienne* (Paris: Grasset, 1980), p.39.

³⁶ On 19 May 1974, Giscard d'Estaing won with 50.8% of votes to Mitterrand's 49.2%. See *L'élection présidentielle de mai 1974* (Paris: *Le Monde dossiers et documents*, 1974), p.116.

³⁷ In his first press conference, Giscard defined the presidentialist regime as '*un régime dans lequel les attributions du Président de la République concernant l'impulsion de la politique sont des attributions très importantes*', but where '*les pouvoirs propres du Parlement...lui permettent de remettre en cause, par la voie de la motion de censure, l'orientation de la politique qui est suivie par le Gouvernement nommé par le Président de la République*'. See *Le Monde*, 27 July 1974 and also 'Continuité et nouveauté', *Le Monde*, 11 April 1974, p.7.

³⁸ Avril, 'Ce qui a changé dans la Cinquième République', p.55.

³⁹ Duverger, *Echec au roi*, p.178-83.

⁴⁰ 'L'installation du Président de la République', *Le Monde*, 29 May 1974, p.7.

⁴¹ Avril, 'Ce qui a changé dans la Cinquième République', p.60.

⁴² Decaumont, p.269.

⁴³ Avril, 'Ce qui a changé dans la Cinquième République', p.61.

⁴⁴ 'Je compte sur vous pour organiser le changement nécessaire', *Le Monde*, 30 May 1974, p.8.

⁴⁵ 'M. Giscard d'Estaing rajeunit et <<féminise>> le gouvernement de M. Chirac', *Le Monde*, 13 January 1976, pp.1 & 6.

⁴⁶ 'Jacques Chirac supporta de plus en plus mal l'envahissement sournois du pouvoir elyséen qui lui donnait moins d'autorité qu'au pâle Pierre Messmer à la même place'. Jean-Claude Petitfils, *La Démocratie giscardienne* (Paris: Presses Universitaires de France, 1981), p.61.

⁴⁷ Jacques Chirac, 25 August 1976. See André Laurens, 'Démission du gouvernement de M. Chirac', *Le Monde*, 26 August 1976, pp.1 & 5.

⁴⁸ Extract from correspondence between Premier Chirac and Valéry Giscard d'Estaing, 26 July 1976. Ibid.,

⁴⁹ 'Il répondait à la préoccupation de confier le Gouvernement à une personnalité capable de remplir un rôle parlementaire actif et de fournir ainsi une contribution jugée nécessaire par le Président qui inaugurerait son mandat [...] en apportant quelque satisfaction psychologiques aux groupes qui avaient facilité son élection'. Avril, 'Ce qui a changé dans la Cinquième République', p.58-9.

⁵⁰ See Les forces politiques et les élections de mars 1973 (Paris: *Le Monde dossiers et documents*, 1973).

⁵¹ *Le Monde*, 23 November 1976. See Avril, 'Ce qui a changé dans la Cinquième République', p.55.

⁵² Jean Waline, 'Le régime a-t-il changé?', *Pouvoirs*, 9 (1979), 71-84 (p.82).

⁵³ Petitfils, p.65.

⁵⁴ 21 November 1978.

⁵⁵ 'Son rôle est de se préoccuper de ce qui adviendra de la France. Le Président de la République est celui qui veille sur le pont du navire'. See 'La conférence de presse du Président de la République', *Le Monde*, 23 November 1978, p.8.

⁵⁶ Interview in *L'Express*, 10 May 1980, pp.10-15

⁵⁷ Giscard d'Estaing cited by Thierry Pfister in 'M. Giscard d'Estaing: <<mon rôle est de ne laisser aucun des partis faire le moindre pas vers l'affaiblissement des institutions', *Le Monde*, 30 September 1978, p.10.

⁵⁸ Gicquel, *Essai sur la pratique de la Cinquième République*, p.11.

⁵⁹ Michel Debré, 'Vers une grande crise française', *Le Monde*, 31 August 1977, pp.1 & 6.

⁶⁰ Maurice Duverger, 'Les règles du jeu bipolaire', *Le Monde*, 5 March 1977, pp. 1 & 10.

⁶¹ See Y. Agnès, 'L'Etat-Giscard', *Le Monde*, 2-3rd March 1980, pp.4-5.

⁶² See Giscard d'Estaing's letter to Gaston Defferre in '<<Je n'envisage pas la dissolution de l'Assemblée sauf circonstance politique nouvelle>> déclare M. Giscard d'Estaing', *Le Monde*, 21 January 1980, p.6.

⁶³ See 'Le projet <<sécurité et liberté>>' in *L'Année politique 1980* (Paris: Ed. du Moniteur, 1981), pp.68-69.

⁶⁴ François Mitterrand, *Ici et Maintenant: conversations avec Guy Claisse* (Paris: Fayard, 1980), p.75.

⁶⁵ 'C'est nier dans leur entité les élus de la nation et, par voie de conséquence, le suffrage universel et populaire qui les a choisis'. See Mitterrand, *Politiques II*, p.122.

⁶⁶ Mitterrand, *Politiques I*, p.545.

⁶⁷ Mitterrand's press conference on 12 July 1977 cited in *Politiques II*, p.175.

⁶⁸ Interview broadcast on Europe 1 on 20 April 1980. See Mitterrand, *Politiques II*, p.232.

⁶⁹ Ibid., p.281.

⁷⁰ François Mitterrand, *La Rose au poing* (Paris: Flammarion, 1973), p.94.

⁷¹ François Mitterrand, 5 February 1981 cited in *Politiques II*, p.247.

⁷² Mitterrand, *La Paille et le grain*, p.40.

⁷³ 'Un entretien avec M. François Mitterrand', *Le Monde*, 2 July 1981, pp.1, 10 & 11.

⁷⁴ 'Le PS, ce n'est pas un parti. C'est un certain rayonnement lié à ma personne'. François Mitterrand in *L'Express*, 24 February 1975 cited in Duhamel, *La Gauche et la Cinquième République*, p.276.

⁷⁵ See Eric Dupin, *L'Après-Mitterrand: le parti socialiste à la dérive* (Paris: Editions Calmann-Lévy, 1991), p.65.

⁷⁶ The motion put forward by Mitterrand at Epinay received 43,926, whilst Alain Savary got 41,757 votes.

⁷⁷ See Mitterrand, *Politiques I*, p.542.

⁷⁸ Ibid., pp.531-542.

⁷⁹ Portelli claims that in both 1969 and 1971, PS statutes displayed a marked desire to prevent the over-personalisation of the party leadership. See Hugues Portelli, *Le Socialisme français tel qu'il est* (Paris: Presses Universitaires de France, 1980), p.147.

⁸⁰ See Catherine Nay, *Le Noir et le rouge ou l'histoire d'une ambition* (Paris: Grasset, 1984), p.448.

⁸¹ Both men recommended a firmly left-wing alliance. This is arguably reflected in the closeness of the vote. For details of both projects see *Le Monde*, 15 June 1971, pp.8-9.

⁸² Albert du Roy & Robert Schneider, *Le Roman de la rose: d'Epinay à l'Elysée, l'aventure des socialistes* (Paris: Seuil, 1982), p.77.

⁸³ Franz-Olivier Giesbert, *Le Président* (Paris: Seuil, 1996), p.252.

⁸⁴ This is rather ironic if one considers Mollet's reference to Mitterrand as 'un allié peut-être, mais il n'est pas des nôtres'. A. Philippe, & D. Hubscher, *Enquête à l'intérieur du parti socialiste* (Paris: Albin Michel, 1991), p.16.

⁸⁵ 'Il est impossible de lutter avec efficacité et de transformer la société par un travail individuel, en refusant une puissante organisation politique'. Mitterrand, *Politiques I*, p.535.

⁸⁶ Mitterrand, *Politiques II*, p.247.

⁸⁷ Yvette Roucaute, *Le Parti socialiste* (Paris: Editions Bruno Huisman, 1983), p.180.

⁸⁸ 'Le Parlement du parti (le comité directeur) est devenu rapidement une chambre d'enregistrement analogue à l'Assemblée nationale, le bureau exécutif (le Gouvernement du parti) s'est fait déposséder de ses pouvoirs par le secrétariat, celui-ci subissant une

concentration des pouvoirs au profit du premier secrétaire et de son entourage'. See Hughes Portelli, 'La présidentialisation des partis français', *Pouvoirs*, 14 (1980), 97-116 (p.100).

⁸⁹ G.A. Coddington & W. Safran, *Ideology and Politics. The Socialist Party of France* (Boulder: Colorado, Westview Press, 1979), p.216.

⁹⁰ Between 1971 and 1975 PS membership doubled.

⁹¹ 'Le but de ces Assises est pour le PS, non pas de s'ouvrir sur sa droite, mais tout le contraire, de s'ancrer plus profondément à gauche, et de s'implanter dans le monde ouvrier grâce à la CFDT'. See *L'Année politique 1974* (Paris: Ed. du Moniteur, 1975), p.101.

⁹² Johnson, p.171.

⁹³ This took place officially at Pau in 1975.

⁹⁴ André Salomon, *PS: la mise à nu* (Paris: Robert Laffont, 1980), p.52.

⁹⁵ Du Roy & Schneider, p.171.

⁹⁶ Salomon, p.52.

⁹⁷ Ibid.,

⁹⁸ Jean-François Bizot, *Au parti des socialistes: plongée libre dans les courants d'un grand parti* (Paris: Grasset, 1975), p.77.

⁹⁹ Salomon, p.86.

¹⁰⁰ Du Roy, & Schneider, p.173.

¹⁰¹ Bizot, p.61.

¹⁰² Dupin, p.81.

¹⁰³ Du Roy & Schneider, p.233.

¹⁰⁴ Salomon, p.86.

¹⁰⁵ Author's interview with Louis Mermaz, 6 July 1999.

¹⁰⁶ Salomon, p.51.

¹⁰⁷ Mermaz claims Mitterrand told him: '*Il faut qu'il ait de la patience. Je le ferai Premier ministre et après il me succèdera*'.

¹⁰⁸ See Dupin, pp.83-4.

¹⁰⁹ N. Nugent & D. Lowe, *The Left in France* (Basingstoke: Macmillan, 1982), p.65.

¹¹⁰ Gaffney, *The French Left and the Fifth Republic*, p.126.

¹¹¹ '*La personnalisation du pouvoir a pu être une bonne chose pendant un certain temps après le congrès d'Epinay. Mais elle serait à la longue dangereuse*'. Extract from *Le Nouvel Observateur*, 8 October 1973 cited in Thierry Pfister, *Les socialistes* (Paris: Albin Michel, 1977), p.24.

¹¹² Maurice Duverger, 'Les candidats et les régimes I. - trois monarchies républicaines', *Le Monde*, 21-22 April 1974, pp.1 & 2.

¹¹³ The institutional reforms proposed by Mitterrand all featured in the Common Programme. These included the abolition of article 16, the reduction of the presidential mandate to 5 years, the correct application of article 11 and the incorporation of a 'Freedom Charter' into the preamble of the Constitution.

¹¹⁴ *Changer la vie: Programme de gouvernement du parti socialiste* (Paris: Flammarion, 1972), p.13.

¹¹⁵ 'Des hommes plus libres. Une société plus juste. Une monnaie plus forte. Un peuple plus fraternel. Une France plus présente'. *Le Monde*, 8 April 1974. See *L'élection présidentielle de mai 1974*, p.43.

¹¹⁶ *Ibid.*,

¹¹⁷ 'L'Etat socialiste, au service des citoyens, ne doit pas être confisqué par un homme, par une caste ou par un parti. Un meilleur équilibre des pouvoirs doit sauvegarder à la fois liberté et efficacité'. *Changer la vie*, p.97.

¹¹⁸ On 4 April, the left-wing Radicals declared in favour of Mitterrand's candidature. They were joined by the PSU and PS on the 7 and 8 April respectively. PCF support was received via letter from Georges Marchais on the 5 April 1974. *L'Année politique 1974*, p.43.

¹¹⁹ See Portelli, 'La présidentialisation des partis français', p.103 or and Dupin, p.70.

¹²⁰ Mitterrand comments upon the need to differentiate party programme from electoral programme in *Ma part de vérité*, p.186.

¹²¹ See *L'Election présidentielle de mai 1974*, p.99.

¹²² Mitterrand, *La Paille et le grain*, p.26.

¹²³ The example Mitterrand gives to illustrate this conclusion was de Gaulle's decision to hold the 1969 referendum rather than allow his government to impose a law upon the majority that had not first been approved by the electorate. See Mitterrand, *Politiques II*, pp. 246 & 259.

¹²⁴ In *Le Monde*, 25 April 1981, Mitterrand commented that many of those 'qui se sont réclamés du gaullisme, de la guerre et de la Résistance peuvent se trouver très à l'aise avec un homme comme moi'. See also *Politiques II*, pp.249 & 282.

¹²⁵ 'De Gaulle avait su préserver une part de ce qui fait sa grandeur et échapper de la sorte aux intérêts les plus sordides de la classe dirigeante'. François Mitterrand, *L'Abeille et l'architecte* (Paris: Flammarion, 1978), p.52.

¹²⁶ 'Je suis le seul candidat à n'avoir exclu aucun Français et à pouvoir me prévaloir du rassemblement des Français'. François Mitterrand's interview on France Inter, 8 May 1981, cited in 'M. François Mitterrand', *Le Monde*, 9 May 1974, p.4.

¹²⁷ 'Socialiste sur la ligne de départ, je serai socialiste sur la ligne d'arrivée'. François Mitterrand at a rally in Dijon, 12 April 1981 cited in *Le Monde*, 13 April 1981, pp. 1 & 7.

¹²⁸ 3 May 1981. See Mitterrand, *Politiques II*, p.298.

¹²⁹ François Mitterrand addressing a PS Rally at the Porte de Versailles on the 24 January 1981. See Jean-Marie Colombani, 'M. François Mitterrand se présente comme le <<candidat de la France, pour la France>>', *Le Monde*, 27 January 1981, p.10.

¹³⁰ Public meeting in Beauvais on 7 March 1981. See *L'Année politique 1981* (Paris: Ed. du Moniteur, 1982), p.43.

¹³¹ In an interview on Europe 1, 22 April 1981, Mitterrand chose to illustrate this point by agreeing with a remark made by his presidential rival, Jacques Chirac, one month earlier - 'Nous sommes aujourd'hui dans une situation extrêmement préoccupante qui exige un

changement complet de politique, et on ne change pas de politique avec les mêmes hommes'. See *L'Année politique 1980*, p.57.

¹³² This was adopted at a party congress held in Creteil, 24 January 1981.

¹³³ François Mitterrand in a televised head-to-head debate with Giscard d'Estaing on 5 May 1981. See *Pouvoirs* 1 (1981), pp.192-3.

¹³⁴ See Chapter 1, p.46.

Chapter 4

MITTERRAND AND THE SOCIALIST MAJORITY (1981-1986): FROM PARTISAN PRESIDENT TO TACTICAL STATESMAN

François Mitterrand's decisive victory in the 1981 presidential elections may be seen as the conclusion of a remarkable political journey; one which witnessed his transformation from staunch opponent to ultimate consolidator of de Gaulle's institutions. The election of a left-wing President served as a testament to both the resilience and the seductiveness of the Fifth Republic's Constitution.¹ It also marked the final phase of another process of evolution, that of the 'presidentialisation' of the PS, whose unprecedented success in the legislative elections held the following month ensured that Mitterrand's personal victory became a collective triumph.² After twenty-three years in opposition, during which he had almost single-handedly turned the Socialist Party into a viable political force, with a membership exceeding that of any other party, Mitterrand had now set in place all the necessary conditions to implement the ambitious economic and social reforms which had formed the basis of both his presidential bid and his party's subsequent parliamentary campaign.

This reformist agenda played a significant part in wooing voters over to the Mitterrand camp. Studies of the 1981 presidential contest reveal an electorate increasingly disillusioned with Giscard's authoritarian comportment and the inability of successive governments to combat unemployment and social inequality.³ Given these public concerns, Mitterrand's platform of '*110 propositions pour la France*' lent him a dual electoral appeal; not only was he offering radical, new solutions to many of France's domestic problems in the form of a long-term political project, but the reformist nature of Mitterrand's candidature seemed to promise a different style of presidential leadership, which was less likely to succumb to the monarchical tendencies of his predecessor.⁴ The proposals for constitutional reform set out in Mitterrand's electoral manifesto, and his continued attacks upon the abusive exercise of presidential power throughout the Fifth Republic, also pointed towards a more equal distribution of responsibilities under the new left-wing administration. Although Mitterrand no longer

challenged the notion of presidential pre-eminence which rendered the Head of State *'le premier responsable de la politique française'*,⁵ he still acknowledged his intention to restore the roles played by other political bodies in order to create a more balanced regime: *'d'abord, il me fallait remettre chaque institution à sa place: le gouvernement gouverne, le Parlement légifère et participe aux débats, sans contrainte d'aucune sorte. Quant à moi, si j'entends exercer la plénitude des responsabilités que le peuple souverain m'a confiées, je ne veux me substituer ni à l'un ni à l'autre des pouvoirs. L'équilibre de nos institutions y gagnera'*.⁶

Initially, Mitterrand did fulfil public expectations in terms of his commitment to the speedy application of his presidential programme. The appointment of the experienced politician and PS heavyweight, Pierre Mauroy, as Prime Minister, and the inclusion of four Communists in the cabinet strengthened Mitterrand's image as a politically engaged President, who was not about to abandon his campaign promises or his links with the Socialist Party once in office. Thanks to the confluence of his own policies with those of the government, however, Mitterrand was able to fulfil this role without being seen to monopolise the executive; his ministers seemed to be enjoying a higher public profile and a greater freedom of action and influence over government policy than their counterparts under the previous administration. It was only when the government ran into serious economic difficulties in 1983, and was forced to abandon its policy of 'redistributive keynesianism' in favour of long-term austerity measures, that Mitterrand's identity as a committed Socialist President started to cause him problems.⁷ For although there may have been a strong groundswell of support in 1981 for a President who would break with Giscard's lofty presidential style, the more readily Mitterrand descended into the political arena to explain and defend government action, the more his popularity seemed to suffer; it was not until he started to focus his attention on promoting France's interests abroad, intervening in national affairs in a predominantly arbitrational capacity, such as during the schools' crisis of 1984, that his public image began to recover. This is undoubtedly one of the greatest paradoxes of his first septennate, yet it is largely unacknowledged in political studies of this period. Indeed it is all the more surprising given that this process of evolution, which saw Mitterrand move from partisan President to tactical statesman, is crucial to an understanding of his exercise of power between 1981 and 1986.

In his book *Ici et Maintenant*, published in the run-up to the 1981 presidential contest, Mitterrand confirmed that, if elected, he would be '*l'interprète le plus fidèle des institutions de la République*'.⁸ By 1986 it was clear that this so-called faithful reading of the Constitution was based upon the same broad principles of presidential dominance and ministerial subordination favoured by his predecessors. Never once did he relinquish his right to have the final say on major policy decisions or compromise his vision of France's role both internationally and within the European Community. He also proved willing to sacrifice his ministers and to allow his Premiers to take responsibility for policy decisions which had been badly received by the electorate (even if this ultimately failed to prevent the erosion of his own popularity). Yet it should be acknowledged that Mitterrand's ability to assert his pre-eminence within the regime was determined by many complex and, at times, contradictory factors, some of which had become permanent features of the Fifth Republic, others unique to his presidency. It is only through an examination of the various resources which Mitterrand was able to draw upon to consolidate his position that we may gain a greater insight into his evolution as President. Existing studies on the Mitterrand double septennate fail to explore this subject effectively; they tend towards either in-depth analyses of a single aspect of presidential power (such as Revel's damning critique of Mitterrand's exploitation of his constitutional prerogatives or Labbé's analysis of his use of language as a political tool), or much broader chronicles of day to day events (like those of Lacouture or Attali), in which the elements affecting presidential power are only tangentially discussed. Our study aims to examine, in its different tensions and complexities, Mitterrand's exercise of power between 1981 and 1986. This will involve a selective interrogation of the resources - institutional, political and conjunctural - which Mitterrand deployed in order to maximise his power and manipulate his public image between 1981 and 1986.

Taking as its starting point those constitutional powers available to the President following his election, the chapter will move on to discuss Mitterrand's interaction with three key groups, namely the PS and parliamentary majority, the government and his team of personal advisors based at the Elysée. To fully comprehend the impact which Mitterrand's changing relationship to these three groups had upon his exercise of power, each must be taken in turn

rather than as part of a simple chronological progression. In this way, the crosscurrents that exist between the groups may be more clearly brought out. The chapter will continue to adopt this approach, which permits a fuller discussion of the porous boundaries between the variables influencing presidential power, by going on to study the extent to which Mitterrand was able to use verbal depictions of the presidential role to assert his authority and shape his image as Head of State. It will then work towards a discussion of the limitations upon Mitterrand's power during what is widely regarded as the most politically constructive period of his double septennate.⁹

4.1 The appointment of a new administration: balancing political loyalties and presidential privilege

Following his election as President, one of Mitterrand's first tasks was to nominate a Prime Minister. His choice of Pierre Mauroy stemmed, in part, from their good working relationship within the PS throughout the 1970s (with the exception of Mauroy's brief defection to the Rocardian camp at the Metz congress in 1979) and Mauroy's role as Mitterrand's official spokesman during the 1981 presidential campaign. On a more personal level, it could also be argued that Mitterrand chose Mauroy because he knew he could count on his undivided loyalty and dedication in his role as Premier. The President would, therefore, be able to retain full control over executive decision-making, starting with the designation of the remaining government ministers.¹⁰ One might contend that, after years observing Mitterrand's leadership style at the head of the PS, Mauroy should have anticipated this display of presidential pre-eminence.¹¹ However, it seems that the new Prime Minister under-estimated Mitterrand's willingness to embrace the same practices as his predecessors, and had drawn up his own list of possible candidates ready for presidential approval.¹² By the time Mauroy approached Mitterrand with these suggestions, most of the posts had already been allocated as a result of private discussions between the President and the individuals concerned. Thus according to Fifth republican convention, it was the newly elected Head of State who selected the cabinet, with the Prime Minister having very little say in the choices made.¹³ This decision to ignore the principle of presidential-prime ministerial collaboration in the appointment of

ministers set out in article 11 of the Constitution, was an early indication of Mitterrand's acceptance of the Gaullist institutional hierarchy in which the Premier is little more than an executor of presidential orders. It also ensured that ministers felt wholly indebted to Mitterrand for their posts, further undermining Mauroy's prime ministerial authority before his premiership had even been officially announced.¹⁴

One of the only real restrictions upon Mitterrand's choice of ministers resulted from public and party expectations that the government team should reflect the various political configurations whose voters had brought him to power. As a result, most of the posts within the new government went to Socialist Party figures, apart from the nomination of three left-wing Radicals and Pompidou's former Foreign Minister, Michel Jobert, who became the Minister for Foreign Trade. It was in Mitterrand's interests to appear as democratic as possible at the start of his presidency by ensuring that all the different factions within the PS were represented in his cabinet. The Socialists still needed to gain an overall majority in the forthcoming legislative elections in order to guarantee the successful implementation of their reform programme and Mitterrand was not about to jeopardise this victory by alienating certain groups within his own party. The outcome was a fairly eclectic ministerial team; a coalition of forces from the same political movement, which featured former political rivals, Michel Rocard and Alain Savary, various members of the militant CERES group and trusted friends and loyal supporters such as Jacques Delors, Laurent Fabius, Charles Hernu, Edith Cresson and Jack Lang.¹⁵

Yet if Mitterrand felt bound to appoint certain PS figures with whom he had had personal or political differences in the past, his skilful distribution of portfolios allowed him to prevent individuals from benefiting too greatly from their roles in government. Michel Rocard, for example, was made Minister of State for the Plan, an appointment he later described as penance for daring to challenge Mitterrand in both his leadership of the PS and his bid for the presidency.¹⁶ Similarly, Alain Savary, the only cabinet minister to be chosen by Premier Mauroy, was offered the political hot potato of Education. Mitterrand, who had very little time for Savary, knew that whoever took on the task of pushing through the Left's proposals to

withdraw State funding for private schools, ran the risk of damaging their political career in the process. Indeed, this is precisely what did happen; Savary offered his resignation in June 1984 following massive public demonstrations against these changes. Nevertheless, it is interesting to note that when Gaston Defferre refused Mitterrand's offer to become President of the National Assembly and demanded the post of Interior Minister, Mitterrand duly submitted. Although Mitterrand had previously expressed the view that Defferre was too old for such a demanding role, he clearly felt unable to deny the request.¹⁷ Therefore, it may be said that above and beyond the institutional hierarchy of the Fifth Republic, there existed a historical pecking order that allowed Defferre, as the elder left-wing statesman, to privately impose his wishes upon the new President.

It was not until after the parliamentary elections in June, however, that Mitterrand finally tackled the question of Communist participation in the government. Ignoring the advice of certain colleagues, he announced the appointment of four Communists to ministerial posts within the second Mauroy government, including the prestigious portfolio of Minister of State for Transport.¹⁸ There was a double advantage to be reaped from this decision. Firstly, it acknowledged the contribution of PCF voters to both the presidential and legislative victories. Given that the National Assembly has the power to overthrow any government via a motion of censure,¹⁹ it was advisable for Mitterrand to grant all the movements on the Left some degree of government representation to avoid the embarrassment of such a motion being tabled by a coalition of disgruntled Communists and left-wing Radicals. Secondly, the inclusion of Communists in the cabinet allowed Mitterrand to keep the PCF itself on a tighter rein. He feared that denying the PCF a voice within the executive would lead to a surge in public support for the party; it was only through a process of political co-operation and integration that the threat posed by the Communists would be removed - *'en les prenant à des postes secondaires, je les neutralise, dans 3 ans ils auront perdu toute l'importance politique'*.²⁰ As we have seen, this strategy had proven highly effective in reducing the PCF's electoral base from the late 1960s onwards. Given that the Communists themselves were entirely reliant upon Mitterrand for any level of representation within the government, one might argue that the President could have been more ruthless in his negotiations with the party. When George

Marchais raised objections to some of the posts on offer, a compromise was found which was agreeable to both sides. Mitterrand's flexibility even extended to granting Marchais the power to choose the individuals who would fill these positions. According to one source, the PCF leader was so overwhelmed by the President's generosity that he declared he had been wrong to doubt the sincerity of Mitterrand's Socialist convictions.²¹

The highly partisan nature of Mitterrand's election was also reflected in his choice of personal advisors. Contrary to Fifth republican tradition, whereby the Elysée staff are appointed from the highest echelons of the civil service, the new presidential team was dominated by the presence of Mitterrand's former PS colleagues, many of whom had played key roles in his 1981 campaign. Reliability and trustworthiness are obviously important to any President when selecting his own private staff, but for Mitterrand these qualities had to be proven by many years of personal or political allegiance. The result was a team comprising old friends like André Rousselet and François de Grossouvre and close collaborators during his leadership of the PS, such as Jacques Attali.²² Not only was this the most politically committed team ever seen at the Elysée, it was also the most varied in terms of its members' professional credentials; Mitterrand's entourage comprised, amongst others, two trade unionists, three writers, an engineer and a doctor.²³ Perhaps the best illustration of this contrast with the predominantly technocratic presidential teams of de Gaulle, Pompidou and Giscard was the nomination of Pierre Bérégovoy as Elysée Chief of Staff.²⁴ This was the first time that anyone other than a top *énarque* had occupied this post. By appointing such a high profile left-wing politician to the most important position within his entourage, Mitterrand signalled his desire to maintain a close relationship with the parliamentary majority and the Socialist Party, as well as the government. Bérégovoy would act as Mitterrand's right-hand man liaising with ministers (in particular the Prime Minister) and the new PS leadership to keep the President informed of developments in all areas of policy-making. He was also the only member of the Elysée team who could attend weekly cabinet meetings.

So far our discussion of presidential power under the Fifth Republic has shown that any President who enjoys the support of a 'presidential' parliamentary majority may exercise

almost total control over government action. What has not yet been properly considered is the role played by the President's personal advisors in determining his level of influence over government affairs. Without the valuable research carried out by his private staff at the Elysée, the Head of State would be solely dependent upon his ministers for information. At the very least, this would make it harder for him to dictate policy or to challenge government decisions. At worst, it could seriously threaten his pre-eminence within the regime. With the backing of a loyal and efficient entourage answerable only to him, however, the President has at his disposal a team of experts, whose specially prepared dossiers ensure that he is kept fully up-to-date on all national and international issues.²⁵ Not only did these advisors help Mitterrand to retain his supremacy over executive power, but they also served a more partisan function. Given that Mitterrand clearly intended to make full use of his powers to bring about the 'change of society' he had promised throughout his election campaign, the appointment of a strong team behind the scenes at the Elysée was an essential means of preventing the government from becoming a threat to his own political authority or a hostage to the demands of the Socialist Party. In other words, they served as a kind of counter-balance to the power of the PS and the government. This is a point to which we will return later in our discussion, when we examine the role played by presidential advisors in supporting Mitterrand's position from 1981-1986.

4.2 The President, the party and the parliamentary group: 'est-ce Jospin qui gouverne?'²⁶

Throughout the 1981 presidential campaign Mitterrand made it perfectly clear that his own personal victory would be incomplete without the backing of a left-wing majority in Parliament. It came as no surprise, therefore, when he used his power to dissolve the National Assembly to call fresh legislative elections. The results of these elections defied all expectations; not only did the Left win its first parliamentary contest under the Fifth Republic, but the PS alone succeeded in gaining an overall majority of seats. As Mitterrand proudly remarked: *'c'est la première fois dans l'histoire de la République qu'un parti dispose à lui seul de la majorité des sièges à l'Assemblée nationale. Gambetta et de Gaulle avaient entraîné et couvert de leur*

nom et de leur prestige ce qui, en réalité, était une coalition de partis'.²⁷ But whilst this apparently overwhelming public endorsement of Socialist Party values may have provided Mitterrand with the parliamentary representation he needed to implement his programme of reforms, it also raised important questions as to the role which the PS might legitimately claim for itself under the new administration. Furthermore, it remained to be seen how this, in turn, would affect the distribution of power within the executive. As a key component of presidentialism, the existence of a single party parliamentary majority now threatened to dilute Mitterrand's power by challenging government policy if it strayed from the party line, or by joining forces with the government to marginalise the President. In the following analysis of Mitterrand's relations with the Socialist Party during his first five years in office, we will seek to establish what kind of influence, if any, the party was able to wield over the State, and whether this resulted in a shift of power away from the presidency towards other bodies.

'Si je ne suis plus parmi vous, dans le parti, je reste avec vous, avec nos idées et nos espoirs. Je reste socialiste à la présidence de la République'.

François Mitterrand. Message to the Socialist Party Congress in Valence, October 1981.²⁸

This message sent by Mitterrand to PS delegates gathered at Valence aimed to reassure party members that he remained wholly committed to the Socialist policies which had formed the basis of his election campaign. Such a gesture of political affiliation was hardly necessary; in the five months since Mitterrand's election, the government had not only forged ahead with the implementation of many important social and economic reforms, but Mitterrand too had been keen to involve PS First Secretary, Lionel Jospin, at the highest levels of executive decision-making. From June 1981 onwards Jospin had become a regular visitor to the Elysée. In addition to his weekly breakfast with the President to discuss government policy, he also featured amongst those privileged enough to be invited to lunch after Wednesday's cabinet meeting. Jospin was, as Pierre Avril puts it, 'a member of the presidential 'A team' – a term often used to refer to Mitterrand's closest colleagues – from which the Prime Minister was excluded.'²⁹ Nevertheless, many PS members, who were wary

of the presidential bias of the Fifth Republic's institutions, wanted further assurances that neither Mitterrand nor the Mauroy government would start to cut party political ties and abandon the pledges which had brought them to power.

Despite the concern of certain factions within the PS, however, the party did not suddenly find itself out in the political cold, but continued to play an active role within the Socialist administration. The nature of this role was determined by the power available to the party in the form of the Socialist parliamentary majority and, to a lesser extent, its contact with Socialist voters at grass roots level. Jospin's own view of the party's function in 1981 was that it should act as *'la principale force du changement [...], capable d'expliquer, d'éclairer les choix du Gouvernement et de convaincre. Mais il lui faut aussi transmettre au Gouvernement le message qu'il reçoit des couches sociales où il a su plonger ses racines, dire leurs revendications, leurs craintes, leurs espoirs. Il doit enfin mobiliser les masses populaires pour qu'elles prennent toute leur place dans l'action'*.³⁰ In the early phases of Mitterrand's septennate, the PS intervened in a predominantly censorial capacity, acting as a kind of ideological reference point for the left-wing executive to ensure that it remained faithful to its political undertakings and did not lose touch with the wishes of the Socialist electorate.³¹ Louis Mermaz asserts that Mitterrand himself was largely responsible for setting up this type of role for the PS in his inaugural address, when he proclaimed that his election had, at last, handed control of the State back to left-wing voters (via their regional and national representatives), who had been deprived of power for so long.³² According to Mermaz, it was this speech *'qui a donné le climat général [...]. Les socialistes, évidemment, ont mis cela en musique si l'on peut dire. Et c'est vrai qu'il y avait cette connotation excessivement forte que sans cesse on se référait aux 110 propositions de la campagne de François Mitterrand'*. He argues that this continued focus upon economic, social and political change enabled the PS leadership to play an active role in government affairs, overseeing the implementation of Mitterrand's presidential programme.

During the first few months of Mitterrand's mandate, the PS executive exercised its unofficial censorial powers on several occasions to force the government to re-examine texts which did

not accurately reflect the party line.³³ Successful examples of such PS checks on government action include the Pierret amendment to the finance law of 1981 and the Suchod amendment to the government's amnesty project.³⁴ Such was the party's perceived hold over the government in late 1981 that some political commentators claimed they were witnessing a new distribution of powers under the Fifth Republic, with the leader of the PS directing government policy, as opposed to either the President or the Prime Minister. Others, like Jean-Louis Quermonne and D.Turpin, confirmed that the President remained at the head of the executive, but acknowledged that there was a three-way power sharing arrangement in place between the Prime Minister, the PS First Secretary and the leader of the Socialist parliamentary majority.³⁵

For some commentators this move towards greater party participation was a worrying development because it allowed the PS to influence executive decisions, which was contrary to the spirit of the Constitution. As Revel correctly points out, one of de Gaulle's main objectives had been to prevent '*l'ingérence des partis*' through a stronger executive.³⁶ By allowing Jospin to play an active role within the executive, Revel asserts that Mitterrand was moving away from the constitutional blueprint towards something resembling the Fourth Republic. In his study of relations between the President, the PS and the parliamentary majority in 1981, Avril also remarks upon the lack of constitutional justification for the increasing involvement of the Socialist Party leadership in government affairs. Even when such intervention failed to bring about the amendment of a piece of legislation, Avril maintains that the very act of being able to draw the government into negotiations in the first place showed that the PS executive was enjoying powers which, up to then, had eluded any other majority party within the regime.³⁷ Such observations were vigorously disputed by the Prime Minister and the PS First Secretary, who maintained that the only time the party interfered in the workings of the State was in the case of disagreements between members of its own Parliamentary group: '*le bureau exécutif du parti ne se pose pas en arbitre entre le groupe Parlementaire et le Gouvernement. Il n'est saisi, par le président du groupe, qu'en cas de problème entre les parlementaires [...]. Le PS n'est pas un rouage de l'Etat, il appartient à la société*'.³⁸ However, these assurances were undermined by remarks made by other leading

Socialists like Pierre Joxe, who claimed that '*ce que décident les députés socialistes, c'est la loi*',³⁹ and by contradictory statements from Jospin attributing responsibility for specific government projects to Socialist Party initiatives.⁴⁰

Although Mitterrand was prepared to offer PS *députés* the opportunity to '*jouer pleinement le jeu parlementaire*',⁴¹ he did not shy away from encouraging the government to use article 49-3 to oblige the majority to unite behind a given text. This occurred in November 1982, when the Prime Minister used this article to push through a controversial piece of legislation concerning the re-instatement of army generals, who had rebelled against the State during the Algerian conflict. Such was the strength of PS opposition to the bill that Mitterrand chose to speed up its passage through Parliament in order to prevent the government from suffering an embarrassing defeat at the hands of its own representatives.⁴² When certain aspects of the government's proposed energy policy did not receive the approval of the PS parliamentary group in October 1981, the government again took advantage of its ability to '*régler les choses illégalement*', as Mermaz puts it, using the legislative short-cuts provided by article 49. After lengthy discussions between the Prime Minister and PS representatives, the party finally agreed to rally behind the government. But even then Mauroy chose to turn the issue into a vote of confidence in the government's entire reform programme using 49-1, ensuring that he imposed the government line upon both the majority and the National Assembly as a whole.

Is it valid, therefore, to conclude that the government was more partisan than presidential in the early phases of Mitterrand's first septennate, due to the involvement of PS executive members in policy formulation and implementation? Whilst the simple answer would appear to be yes, what remains unclear is whether this was a conscious choice on Mitterrand's part or whether it was an unavoidable consequence of his leadership of the party since 1971. In other words, were the PS and Mitterrand mutually dependent as a result of their common electoral platform in 1981, and did this prevent the President from distancing himself from the Party once in office? Or did he have other motives for keeping Jospin and Mermaz so close? Possibly the most accurate response to this question would be that both statements have

some truth. On the one hand, Mitterrand could not be seen to deny the PS a say in government affairs because of the partisan nature of his own election and his promises to enhance the role of Parliament. This point was picked up by Louis Mermaz when he noted that '*le gouvernement, le groupe parlementaire, le parti socialiste étaient considérés comme un bloc par l'opinion. C'était les socialistes au pouvoir, les gens ne faisaient pas la distinction*'.⁴³ In this respect, it would have been difficult for Mitterrand to distance the executive from the party, at least in the early stages of his presidency, since they were generally perceived as forming a coherent political whole.

On the other hand, there is little to suggest that the PS could have mounted any real challenge to presidential power had Mitterrand chosen to exclude it from government deliberations. Short of refusing to support specific legislation (the threat of which could be countered by the use of articles 49-1/3 or 38), the PS and its parliamentary majority were largely dependent upon the President for their power. As a result, it may be said that it was in the interests of all parties to co-operate with one another. The close working relationship between Jospin and the President enabled the party to resist becoming marginalised, whilst also allowing Mitterrand to safeguard against any attempts by the Premier or government ministers to isolate him by leaning upon the parliamentary majority to back their actions. In this respect, the party served as an instrument of presidential power or, to use Mitterrand's own definition, '*un remarquable relais qui peut intervenir à tout moment*', providing him with an additional means of protecting his own position.⁴⁴

Mitterrand's close links with Jospin and Mermaz also meant that he was assured of their support in trying to win over the majority when government legislation did not conform to Socialist Party policy. As Louis Mermaz explained: '*Lionel Jospin était un peu là pour serrer les écrous et il veillait à ce qu'il n'y ait pas de débordements du PS...François Mitterrand l'avait mis là pour être le gardien du PS*'.⁴⁵ This came in particularly useful in 1983, when Mitterrand finally accepted the advice of Mauroy and Finance Minister Jacques Delors and agreed to devalue the franc, rather than withdraw from the European exchange rate mechanism. Despite having been largely excluded from the discussions which led to this

decision, Jospin was called upon by Mitterrand to ensure that the PS rallied to support the government. Given that the President had just approved what was essentially a total abandonment of the Keynesian economic strategy which lay at the very heart of Socialist economic policy, the task facing Jospin was not an easy one. Nevertheless, he did succeed in convincing the party of the need for '*une parenthèse*' in the government's economic and social reform programme,⁴⁶ even though it turned out to be much more than just a 'pause' in the end.⁴⁷ At the time, however, Jospin accepted the President's view that austerity measures were required to get the economy back on its feet, hoping that once this had been achieved, the government would '*reprendre une démarche plus dynamique*'.⁴⁸ Without Jospin to serve as a crucial link between the executive, the party and the parliamentary majority, it is doubtful whether this bitter pill would eventually have been swallowed by PS members, especially since most of Mitterrand's key supporters within the party had been recruited into his administration in 1981.⁴⁹

Although the party's ability to chastise the government under certain circumstances gave the impression that it was a powerful, independent force influencing executive decisions, behind the scenes the balance of power remained tipped in the President's favour.⁵⁰ This view was confirmed by Louis Mermaz who concluded that '*le Président de la République, le gouvernement influençait autant le PS, plus le PS que lui, il influençait le gouvernement*'.⁵¹ Hubert Védrine, former Foreign Affairs advisor to the Elysée during the Mitterrand years, also remarked upon the distancing of the President from the party following his election in 1981, which prevented the PS from influencing foreign and defence policy. Despite the fact that the PS had its own agenda in these areas, Védrine maintains that it was unable to impose its choices upon Mitterrand, ensuring they remained as much the presidential '*domaines réservés*' as they had been under his predecessors.⁵² As we have already noted, the same was true for domestic policy orientation, with the PS eventually uniting behind almost all government proposals, even when they represented a clear shift away from the values espoused during the election campaign.

It would, however, be wrong to assume that this relationship was consistently one-sided. As we will see, it was Mitterrand's bid to reassert his image as a reformist President in order to win back the unconditional support of the PS and the parliamentary group that led him to take two controversial decisions in the fields of media and education; not only did these place a strain on the relationship between President, party and parliamentary majority, they also ended up launching Mitterrand into a new role as national judge, as opposed to the partisan President he had been during the first three years of his mandate.

When the PS finally rallied to support the government's austerity measures in 1983,⁵³ some political analysts claim that Mitterrand felt the need to reassure party heavyweights of his continued commitment to reform. In his book, *François Mitterrand: une vie*, Giesbert asserts that it was in response to criticisms from Pierre Joxe, then leader of the PS parliamentary group, regarding the government's lack of reformist zeal that the President asked the Prime Minister to draw up the so-called anti-Hersant Law in November 1983.⁵⁴ This project aimed to prevent press barons like Robert Hersant from monopolising the French media. Much as they wanted to see Hersant's control over the written media restricted, neither Mitterrand nor Mauroy believed that this law was the solution. Yet the project went ahead, and the fact that it did can only be attributed to the President's desire to keep the PS and the parliamentary majority happy, since they were the only groups in favour of the project. This is undoubtedly why Premier Mauroy chose to reveal the proposed legislation at the party conference at Bourg-en-Bresse, knowing that it would win widespread approval amongst militants and help the government to regain some of the support lost within party ranks following the change of economic policy.⁵⁵ Mitterrand's readiness to appease the PS appears to sustain our argument that party and President were inextricably linked and, as a result, the PS was enjoying a greater say in government affairs than any other political movement in the history of the Fifth Republic.

As the government's efforts to break Hersant's control over the media were hampered by numerous amendments to the text which were presented by the opposition in the National Assembly,⁵⁶ Mitterrand decided to push ahead with another key Socialist Party policy

objective – the reform of Catholic education. The Savary Bill, named after the Education Minister, Alain Savary, aimed to create '*un grand service public, unifié et laïc de l'Education nationale*'.⁵⁷ But whilst Mitterrand may have viewed this bill as a sure way of uniting the government, party and parliamentary group, he had not fully anticipated the level of public outrage which the project would generate; at the height of the protests against the project, over a million people took to the streets to demonstrate their opposition.⁵⁸ Far from serving as a means of strengthening the bond between these three groups, the project resulted in the resignation of both the Prime Minister and the Education Minister, the withdrawal of the Communists from government and a sense of betrayal and disillusionment amongst Socialist party members.⁵⁹ Arguably the only person to gain anything positive from the fiasco was Mitterrand, whose recourse to the old Gaullist weapon of the referendum (even though this never actually took place) enabled him to nurture a new image as a President whose responsibility to the nation as a whole had clearly taken priority over partisan loyalties. Although the benefits were not apparent at the time, this re-definition of Mitterrand's presidential role would prove to be his most useful political weapon as the prospect of cohabitation loomed closer.

Unlike his apparently genuine indecision during the financial crisis of 1983, Mitterrand's refusal to act decisively when protests first began against the Savary Bill seemed to be a deliberate and tactical move designed to protect his position. By asking for time to reflect upon events and the course of action to be taken, Mitterrand placed his government in the firing line, whilst he remained more aloof from events. This enabled Mitterrand to '*laisser jouer les événements*',⁶⁰ before taking the sudden decision to withdraw the Bill in its entirety, without having forewarned either Savary or Mauroy of his intentions. Ironically, it was precisely this presidential arrogance and unaccountability which Mitterrand had attacked during his years in opposition. For many PS *députés* who had hoped to see their ideological dreams converted into political realities, the final withdrawal of the Savary Bill was a major source of disappointment; not only because the government was forced to concede defeat, but also because Mitterrand's role in resolving the conflict seemed to confirm his transition from politically engaged President to tactical arbitrator, or to quote Serge July: '*Mitterrand*

n'est plus le partisan élu d'un statut unique de l'enseignement, mais le Président de tous les Français'.⁶¹ For many PS members who had never imagined Mitterrand as the advocate of compromise, this government climb-down represented the final break with the objectives listed in the '*110 propositions*'.⁶²

What neither government ministers nor Socialist *députés* knew, however, was that the presidential initiative to amend the Constitution so that a referendum could be held on the school's issue had already been approved by Jospin before it was announced by Mitterrand on national television. Along with Michel Charasse,⁶³ Jospin had been asked by Mitterrand to come up with possible ways of ending the crisis. Having ruled out the use of article 49-3 which risked inflaming the situation further, Jospin agreed that a public consultation was the best option. Since February 1984, the PS leader had been privately voicing his concerns that the school's issue could seriously damage the unity and public image of the party.⁶⁴ Reflecting upon the events of that period in an interview with Favier and Martin-Roland, Jospin admits that he saw the withdrawal of the bill and the referendum proposal as the most effective way of bringing an irresolvable dispute to a swift conclusion – '*il fallait reculer sur ce terrain pour sauvegarder l'essentiel qui était de poursuivre en bon ordre le septennat. Ce choix était incontestablement un peu cruel pour nos convictions, mais il était guidé par la nécessité politique. C'était le choix de la raison: préserver ce que nous avions engagé depuis 1981*'.⁶⁵

There is, however, evidence to suggest that Mitterrand would have gone ahead with this project even if he had not obtained a green light from Jospin; his constitutional prerogatives certainly allowed him to impose such a measure upon the government and the parliamentary majority.⁶⁶ Yet the fact that he chose to consult the PS leader before any of his Ministers, including Prime Minister Mauroy, underlines the importance which Mitterrand continued to attribute to Socialist Party support for his presidential leadership. Instead of the three-way power sharing arrangement described by Quermónne, it may be argued that there was a three-tier power system in operation between 1981 and 1984 with the President at the top of the hierarchy, the party and its parliamentary majority in second position and the government

placed last. One might also contend that Jospin's decision to back Mitterrand's actions provided further confirmation of the party's adaptation to the norms of presidential politics. Having rallied behind the President's gradual abandonment of some of the principles which inspired the 110 propositions, the PS had to face up to the fact that important aspects of its political ideology had been undermined. This impeded the party's ability to inspire or censure government action. As one would expect, this rendered the PS increasingly reliant upon Mitterrand for its identity and voice within the regime.⁶⁷

4.2.1 '*Une force solidaire mais autonome*?'⁶⁸

According to Lionel Jospin, this 'supportive, yet independent force' was how Mitterrand envisaged the role of the Socialist Party after the Left's collective victory in 1981. Our discussion so far has shown this to be a relatively accurate description of the way in which the PS functioned in relation to the State throughout the first three years of Mitterrand's presidential mandate. The nomination of Laurent Fabius as Prime Minister in July 1984, though badly received by the more militant factions within the party, did not appear to alter this relationship. Aside from the absence of Communist ministers, the new government included representatives from all the different political currents within the Socialist Party, including J-P Chévènement, who had resigned from the Mauroy government in a gesture of disapproval at the President's decision to introduce economic austerity measures. By re-appointing Chévènement, Mitterrand displayed a willingness to recognise the party's right to disagree with or to actively challenge the government line, without forfeiting any future role within the executive.⁶⁹ However, appearances can be misleading and whereas the PS may have seemed to be enjoying the same level of influence as it had done under Mauroy's Premiership, in reality, it was far less able to intervene independently having seen some vital aspects of its ideology fall victim to the events of 1983/84.

Faced with the prospect of defeat in the forthcoming legislative elections, the PS remained united behind Mitterrand's leadership. Neither the party nor the parliamentary majority mounted any serious challenges to executive policy during this period, despite differences of

opinion between Mitterrand and Jospin over the sale of arms to Iraq during the Iran-Iraq war and the decision to hand over control of the fifth television channel to the Italian media baron, Silvio Berlusconi.⁷⁰ Mitterrand also continued to work closely with the party executive behind the scenes, but the number of meetings diminished as the President focused increasingly upon foreign affairs and defence. Nevertheless, Mitterrand's reduced involvement in domestic affairs did not prevent him from actively campaigning on behalf of the Socialist Party in the run-up to the 1986 parliamentary elections. Nor did it stop him from subverting one of the regime's most established conventions by opting to let Lionel Jospin head the Left's campaign.⁷¹ This decision, which put an end to months of press speculation and rivalry between Jospin and Fabius, went against Fifth republican tradition whereby the Prime Minister takes charge of parliamentary election campaigns. It is tempting to interpret this as another example of Mitterrand giving the PS leadership precedence over the Prime Minister. However, the fact that the President ended up playing a leading role in the 1986 campaign hints at a different agenda - one of presidential control and image-making. By obliging Fabius to concentrate fully on his prime ministerial duties, the President was able to justify descending into the political arena to campaign on behalf of the Left. As our discussion of Mitterrand's discourse will show, not only did he defend the government's record in a way which implicitly began to disassociate the presidency from party politics, but he used the media attention as an opportunity to set out the role that he intended to play under cohabitation. It is doubtful whether Mitterrand would have been able to achieve either of these objectives with such ease had Fabius led the Left's campaign.

4.3 Mitterrand and the Government

'Le premier ministre et les ministres doivent exécuter la politique définie par le président de la République dès lors que le président de la République a pour devoir de mettre en œuvre le programme sur lequel il a passé contrat avec la nation'.

François Mitterrand, 9 December 1981.⁷²

While the involvement of leading Socialist Party figures like Lionel Jospin, Pierre Joxe and Louis Mermaz in government affairs introduced a new dimension to the debate over presidential power under the Fifth Republic, relations between Mitterrand and his government between 1981 and 1986 did little to significantly alter the tradition of ministerial subordination established under previous administrations. Not that the public was in any doubt as to Mitterrand's acceptance of the notion of presidential supremacy when he took over the presidency, but statements like the one quoted above, were often accompanied by pledges that Mitterrand would enhance the role of the Prime Minister in order to inject greater democracy into the regime: *'Elu Président de la République, je changerais un certain nombre de choses, en particulier dans le cadre des relations du Président de la République avec le gouvernement [...]. Tout en étant très volontaire pour préserver la charge de la fonction et de la remplir entièrement, je voudrais que l'on revienne à des mœurs un peu plus démocratiques'*.⁷³ This created the impression that his election would bring some degree of change in the way power was distributed within the executive.

When asked in 1974 what kind of qualities he would look for in a Prime Minister, Mitterrand replied *'j'ai besoin d'un homme en qui j'ai une confiance amicale et la certitude d'une compétence, en même temps que l'exacte longueur d'onde'*.⁷⁴ Given these criteria, it is not immediately obvious why Mitterrand should have appointed Mauroy as Premier in May 1981.⁷⁵ Not that Mauroy was an inexperienced politician; as we have already noted, he was a dependable figure, who was well respected within the party and had been amongst Mitterrand's closest colleagues throughout the election campaign. Yet it was unusual that Mitterrand should have chosen a Premier who was by no means his logical successor as head of the PS, but an individual with whom he had only recently been reconciled following Mauroy's criticism of his style of political leadership in 1978.⁷⁶ According to Fifth republican convention, the first Prime Minister of any septennate is usually the natural leader of the majority party in the National Assembly.

Bearing in mind the mutually dependent nature of Mitterrand's relationship to the PS and the Socialist parliamentary group, however, the reasons for Mauroy's appointment become

clearer. Firstly, it would not have been in the President's interests to have appointed a key *Mitterrandiste* as Prime Minister; he needed to place his staunchest supporters in positions where they could protect him from potential challenges to his power, hence Pierre Joxe's nomination as head of the Socialist group in the National Assembly and Lionel Jospin's promotion to PS First Secretary. Secondly, Mitterrand would not have wanted to appoint anyone who might try to undermine his executive authority. This ruled out those young enough to harbour presidential ambitions, which might lead them to demand greater autonomy as Prime Minister than Mitterrand was prepared to grant in the early stages of his presidency. By appointing Mauroy, whose political career had so far been limited to his mayoral role in Lille, the President ensured that his Premier had no other source of legitimacy which would allow him to threaten presidential pre-eminence. Mauroy's nomination was, therefore, another example of Mitterrand consolidating his position; it certainly did not hail the start of a new distribution of power within the executive.

As we saw in our opening chapter, presidential supremacy within the executive stems, in part, from the Constitution, which grants the Head of State the power to appoint the Prime Minister. Our study so far has shown that this typically results in the subordination of the Prime Minister to the President, as opposed to the executive dyarchy which, it has been argued, members of the CCC wished to see emerge at the founding of the regime. Mitterrand's relationship with Mauroy did not break with this convention; the new Premier accepted his role as chief executor of presidential decisions, announcing to the National Assembly on 8 July 1981 that he would ensure '*le strict respect des orientations proposées par le président de la République*'.⁷⁷ It is interesting to note, however, that surveys conducted between June 1981 and February 1982 show Mauroy enjoying a higher popularity rating than Mitterrand.⁷⁸ On the one hand, this may be interpreted as a sign that the public did not perceive Mauroy as merely an executor, but as a political actor in his own right. On the other, it may simply mean that they did not care whether Mauroy was a presidential puppet or not so long as he continued to oversee the speedy implementation of Mitterrand's electoral programme. The evidence would seem to point to the first explanation; for in spite of his efforts to publicly assert his executive pre-eminence, Mitterrand intervened very little in government affairs during his first

few months in office. Szafran and Ketz claim that Mitterrand was very conscious that the Prime Minister should appear to be '*le véritable patron du gouvernement*', in much the same way as Debré had been between 1958 and 1962.⁷⁹ In any case, Mitterrand's legitimacy was so strong after the presidential election that he would not have needed to interfere excessively in domestic politics. This created the impression that Mauroy was enjoying a greater freedom of action than his predecessors. It is also worth noting that presidential-prime ministerial relations had not really had time to deteriorate at this stage, and this surely contributed to the public's positive image of the working relationship between Mitterrand and Mauroy.

It is true that early on in Mitterrand's first septennate, changes took place which seemed to promise an enhanced role for the government in executive decision-making. The number of interministerial committees reached record levels in the first few months of the new Socialist regime, whilst the number of presidential '*conseils restreints*' halved over the same period.⁸⁰ Of course, this may be partly attributed to the need for left-wing ministers and ministerial advisors to familiarise themselves with the internal workings of the State. However, the fact that the frequency of such meetings increased so significantly (as much as 40% compared to previous administrations), showed that policy issues and legislative projects were being debated more fully and more freely than they had been during Giscard's presidency.⁸¹ According to Hubert Védrine, one of Mitterrand's priorities had been to break with Giscard's style of leadership. Védrine asserts that, on his arrival at the Elysée in May 1981, Mitterrand asked his friend André Rousselet to find out how things were organised under de Gaulle's presidency, so that he might adopt a similar approach.⁸² It is worth noting that Mitterrand did not take the step of reintroducing the '*conseils de cabinet*', which took place under Debré's premiership, as these would have allowed cabinet meetings to take place without the Head of State being present. Whilst this measure would have given the government greater independence and provided Mitterrand with a prime means of illustrating his professed commitment to greater institutional balance, he was clearly not prepared to risk granting his ministers such political autonomy and the '*conseils de cabinet*' remained a thing of the past.

Further evidence that the government was no longer being directly dictated to by the Elysée is provided by a number of embarrassing inconsistencies which arose between ministerial and presidential statements on government policy. One such incident occurred in 1982, when Finance Minister, Jacques Delors, announced a lowering of building society interest rates without having first received the President's approval. When Mitterrand found out, he refused to accept the measure and demanded that the Prime Minister publicly deny Delors' statement.⁸³ On another occasion, the President changed the composition of the new regulatory body for the media without informing Matignon. This decision wholly undermined a public announcement that had already been made by the prime ministerial advisor for Communications, Jérôme Clément. Obviously, both these examples may be seen as typical exercises in presidential pre-eminence. Nevertheless, they do show that, in the early stages of Mitterrand's presidency at least, ministers were more than just executors of decisions which had already been made by the Elysée. Instead they were able to work on policy initiatives with their own teams before presenting them to the cabinet and the President.

One might contend, however, that Mitterrand's determination to use his authority to impose decisions upon his ministers ultimately prevented them from exercising any real autonomy over their specific fields of expertise. In this respect, it is questionable whether Mitterrand's presidency brought about any real change in the way power was distributed between the government and the Head of State. As Mitterrand himself explained at the beginning of his mandate: *'nul n'ignore, au sein du gouvernement comme ailleurs, que le Président de la République peut à tout moment faire prévaloir l'opinion qu'il a de l'intérêt national'*.⁸⁴ This statement takes the form of an implicit admission that government policy could be entirely dictated by the President should he deem this to be in the nation's best interests.

In almost all cases when Mitterrand found himself in disagreement with a member of his government over a policy issue, the minister concerned was obliged to yield to the President's view or resign his post. We have already seen a striking example of this when it was noted that Mitterrand announced the withdrawal of the Savary Bill in 1984, without having even informed the Prime Minister or the Education Minister of his decision. Similar examples

abound throughout Mitterrand's first five years in office. Even at the start of his mandate when, it was argued, the President did not intervene so closely in government affairs, there are several important instances when he imposed his own personal preferences upon his ministers. This was the case for the government's nationalisation programme which went ahead in the autumn of 1981. In an interview with Lacouture, Michel Rocard claims that when the issue came up for discussion in the Council of Ministers, he argued strongly against the President, who was in favour of full nationalisations as opposed to the acquisition of a 51% State share. Rocard's boldness prompted several other key ministers, amongst them Finance Minister, Jacques Delors, Foreign Affairs Minister, Claude Cheysson and Justice Minister, Robert Badinter, to voice their opposition to the President's proposal on the grounds that it would have serious repercussions upon the already struggling economy. Having listened to their views, Rocard asserts that the President rose from his chair and left the room with the words *'je vous ferai connaître ma décision avant peu'*.⁸⁵ The following week, Mauroy told Rocard that the debate was now closed since the President had decided to go ahead with the 100% option. Despite the minor differences between this account and the one given by Favier and Martin-Roland,⁸⁶ both versions attribute the final decision to the President. Both also contend that, apart from the aforementioned cabinet meeting, no further discussion took place between Mitterrand and his government on this issue before the President made his final choice. Therefore, although the President may have encouraged discussion amongst ministers, he alone controlled the exact nature of proposed government legislation and the speed and order in which projects were drawn up and presented to Parliament. This was confirmed by Mitterrand in September 1981: *'s'agissant de mes engagements, il m'appartient de veiller à leur mise en œuvre, notamment quant au calendrier de leur réalisation'*.⁸⁷

Since Mitterrand had been careful to place his closest and most loyal colleagues in key positions outside government, he was able to impose his choices upon ministers, knowing that they were unlikely to be able to join forces with the PS or the parliamentary majority to force him to reconsider his decision. As we have already noted, this was one of Mitterrand's main reasons for appointing Mauroy as Prime Minister in order to isolate him from any external support mechanisms, thus ensuring that he was largely unable to challenge

presidential authority. In his book, *'La vie quotidienne à Matignon au temps de l'union de la gauche'*, Thierry Pfister supports this view. As a result of his opposition to Mitterrand at the Metz Congress in 1979, Pfister affirms that, throughout his period in office, Prime Minister Mauroy became *'l'objet d'un procès permanent en hérésie dont les procureurs implacables étaient le président du groupe socialiste à l'Assemblée nationale et Paul Quilès'*.⁸⁸ He goes on to illustrate the extent to which these key PS representatives intended to challenge government decision-making if it did not conform to presidential policy, by referring back to a meeting of the PS group held in July 1981, during which Quilès exclaimed *'la ligne de Metz triomphera. Les autres devront soumettre ou se démettre!'*.⁸⁹ Again this corroborates our view that the Socialist Party was prepared to present itself as a resource upon which the President could draw to bolster his control over the executive.

Not only were ministers bound to comply with presidential decisions (the alternative being their departure from government), they were also obliged to defend those choices as their own. Both Delors and Mauroy, for instance, were forced to justify the President's decision not to limit government spending and devalue the franc even further prior to 1983, despite the fact that both men believed such measures were absolutely imperative.⁹⁰ Portelli and Colombani also note that Mauroy had been one of the first to underline the dangers of going ahead with some of the Left's more radical economic and social reforms due to the poor economic climate. Yet he had to feign naivety in front of journalists when questioned about the potential recklessness of government strategy in these areas.⁹¹

Of all Mitterrand's ministers, it was undoubtedly Mauroy who suffered most as a result of this tradition of ministerial subordination. In his book, *Les Années Mitterrand*, Serge July calls Mauroy *'le Premier Ministre expérimentateur'* – a reference to his obligation to push ahead with legislative projects, whilst Mitterrand observed the way in which such proposals were being received by the public. If the reaction was negative, Mitterrand could always announce the withdrawal or the amendment of a text in the hope of winning public approval for his actions. The Premier, on the other hand, was left discredited, having championed an unpopular policy and then been undermined by the President. Mitterrand's reluctance to

over-involve himself in policy matters for fear of lowering his popularity, whilst allowing the Prime Minister to act as a kind of lightning conductor for public discontent, is epitomised by the curt reply '*débrouillez-vous*', which was given to Mauroy as he pleaded with the President for advice on how to resolve the school's crisis.⁹² Just as de Gaulle had left Pompidou in the firing line throughout the events of May 1968 while he procrastinated over what course of action to take, so Mitterrand too declined to involve himself in the events of July 1984 until he had devised a strategy that would sufficiently protect his presidential position.

Such was Mauroy's loyalty to Mitterrand, however, that he accepted his role as principal political scapegoat.⁹³ Again this is illustrated by the Premier's readiness in 1984 to claim responsibility for the 39-hour week when, in reality, it was Mitterrand who had demanded that this legislation go ahead, in spite of warnings from Mauroy and Employment Minister, Jean Auroux.⁹⁴ Revel does not accept this view that ministers were mere executors of presidential orders. Had this been the case, he argues, the notion of presidential accountability would have been re-established (since a superior must assume responsibility for the actions of his subordinates). Given that this did not occur, Revel contends that, in the eyes of the electorate at least, Mitterrand's ministers were more than just presidential servants.

Revel's claim that the President was in no way accountable for government action is not borne out by surveys conducted during Mauroy's premiership. These show that efforts by ministers to shoulder the responsibility for presidential policies did not succeed in exempting Mitterrand from the effects of public disillusionment with the government. The President was so closely associated with the implementation of the government's programme that he could not escape the backlash that followed the introduction of austerity measures in 1983 or the Savary Bill the following year; in 1984 polls showed that Mitterrand was the most unpopular President the Fifth Republic had known.⁹⁵ It would seem, therefore, that the public did regard Mitterrand as the driving force behind the government; for had he not been perceived as such, it is doubtful whether his popularity would have suffered to the same extent. The fact that Mitterrand attempted to distance himself from the problems of domestic politics from 1984 onwards also suggests that he was aware of the need to appear less politically engaged

in order to improve his public image. One possible means of achieving this objective was to name a new Prime Minister to whom he would grant greater autonomy over domestic policy, so that as President he might begin to focus his attention more fully upon foreign and defence issues. Having rejected this option on numerous occasions, Mitterrand finally accepted Mauroy's resignation in July 1984 and appointed Laurent Fabius as his successor at Matignon.

4.3.1 Fabius and Mitterrand: '*lui c'est lui, moi c'est moi*'⁹⁶

Given that Laurent Fabius had carved himself a reputation as one of Mitterrand's most loyal supporters and closest colleagues since the Epinay Congress in 1971, it is easy to see why the press reacted to his nomination with headlines such as '*Mitterrand Premier Ministre*' or '*Mitterrand se nomme à Matignon*'.⁹⁷ Fabius' arrival at Matignon was interpreted as a sign of a future increase in presidential control over government affairs. Far from liberating the Prime Minister from excessive intervention from both the Elysée and the Socialist Party leadership, Fabius' appointment appeared to complete the domination of the State by the President's men. Had Mitterrand really wanted to break with the problems of the past and distance himself from national affairs, one might argue that he should have opted for a candidate like Jacques Delors, whose image as a more moderate left-winger and economic pragmatist would indeed have been seen as the possible beginning of a different style of relationship between Prime Minister and President. Delors had already been offered Matignon in 1982, which he accepted on the condition that Mitterrand allow him full control of economic and financial matters.⁹⁸ The President would not agree to this loss of influence over key policy areas and the offer was subsequently withdrawn. In light of this, one might reasonably assume that one of Mitterrand's main reasons for appointing Fabius was that he would be less likely to challenge presidential authority and would adapt, in much the same way as Mauroy, to the demands or constraints of his prime ministerial role.

Most political analysts who have studied this period, however, agree that from July 1984 the President intended to grant the Prime Minister greater autonomy in the run-up to the

parliamentary elections. Franz-Olivier Giesbert asserts that Mitterrand wanted Fabius to govern in his own way and even asked his personal advisors at the Elysée to take care not to short-circuit decision-making at Matignon.⁹⁹ He claims that the President aimed to keep a lower national profile, by offering 'fatherly' advice behind the scenes in order to avoid publicly undermining his new Premier's authority: '*Je tiens à ce que vous affirmiez bien votre autonomie. Je veillerai à ce que vous puissiez gouverner*'.¹⁰⁰ Hugues Portelli and Jean-Marie Colombani also assert that Fabius had a significantly greater margin of manoeuvre than Mauroy. He was able to impose a more centralised style of government upon his ministers, and this resulted in an accretion of prime ministerial authority as Fabius took control of governmental communication and co-ordination.¹⁰¹ He even negotiated his own television programme entitled '*Parlons France*', which became a forum for extolling the virtues of government policy by means of 'questions' that had been carefully formulated to facilitate this process.¹⁰² Although this conformed to the type of role which Mitterrand envisaged for his second Prime Minister - '*de défendre le bilan commun devant les électeurs après cinq ans de luttes*' - it is nonetheless reminiscent of the televised fireside chats which became a feature of Giscard's presidential style.¹⁰³ These changes in the dynamics within the executive dyarchy following Fabius' appointment may, therefore, be attributed to two factors: firstly, the President's readiness to grant his new Premier greater independence (on one occasion Mitterrand even insinuated that a reversal had taken place in the balance of power between Prime Minister and President);¹⁰⁴ and secondly, Fabius' determination to exploit this to the full in order to 'presidentialise' his public profile and reorganise government administration, so that all decisions were first approved by Matignon before being officially announced.

On occasions Fabius took this notion of prime ministerial autonomy too far. At the very least, this caused the President mild embarrassment and some amusement, as in September 1984, when Fabius flippantly summed up his working relationship with the President as '*lui c'est lui, moi c'est moi*'. At worst, however, Fabius' perception of his role did cause serious friction between Mitterrand and himself, as he appeared to be directly challenging presidential pre-eminence. The first time this occurred was in 1985, following the sinking of the Rainbow Warrior by French secret agents. Once the enquiry into the incident got underway, Fabius

found Mitterrand was trying to protect Defence Minister, Charles Hernu. Unlike Mauroy, who did not attempt to resist the role of scapegoat thrust upon him during the school's crisis, Fabius was extremely resistant to the prospect of taking the blame for an incident in which he had played no part. Instead he led his own investigation into events, finally demanding that Mitterrand force Hernu to resign; a request which, under the circumstances, the President had little choice but to accept if he was to limit his own involvement in the affair.¹⁰⁵ The second clash between Prime Minister and President came in December 1985, when Mitterrand took the unprecedented step of meeting the Polish leader, General Jaruzelski, without informing his Premier. The following day in the National Assembly, Fabius admitted having been '*personnellement troublé*' by the President's decision.¹⁰⁶ Such a public disavowal of presidential action by a Prime Minister could not fail to attract media attention; not only because it subverted the convention of prime ministerial subordination, but also since it implicitly challenged the notion of foreign affairs and defence as exclusively presidential domains. Unsurprisingly, Fabius' candour provoked an angry reaction from Mitterrand who, Attali claims, remarked: '*Fabius s'est trompé. Il n'aurait jamais dû dire cela. C'est inacceptable de la part de mon Premier ministre [...]. Il restera Premier ministre mais je ne l'oublierai pas*'.¹⁰⁷

Clearly Mitterrand expected a greater degree of diplomacy and subservience from his Prime Minister than Fabius was prepared to give. Ironically, one possible explanation for Fabius' decision not to tow the presidential line in these matters was that he himself harboured presidential aspirations. As a result, he did not wish to be remembered as the chief executor of Mitterrand's orders, nor did he want to accept responsibility for controversial events, which would damage his chances of being elected to the Elysée in the future. This would certainly help to explain why Fabius told Mitterrand he was not prepared to defend the government's record prior to 1984, if were he chosen by the President to head the PS legislative campaign.¹⁰⁸ As far as Fabius was concerned, there was always a real danger that his actions and his attitude as Prime Minister might be affected by his own presidential ambitions - a possibility to which one of Mitterrand's close advisors drew his attention in July 1984:

*'Méfiez vous de ce type. C'est un technocrate qui fait carrière. Il se fout pas mal de vous. Il servira de son intérêt et non le vôtre'.*¹⁰⁹

This idea that Fabius was taking advantage of his position as Prime Minister to improve his '*presidentiabilité*' may also account for his portrayal in the media from mid-1985 as increasingly arrogant. In a televised debate with Jacques Chirac, Fabius further compounded this image of self-importance by reminding his opponent '*Savez-vous que vous parlez au Premier ministre de la France?*'¹¹⁰ Surveys published the following day revealed the extent of the damage caused by this patronising remark – only 24% of viewers thought Fabius came across as the better candidate. Such a performance undoubtedly irritated the President, since it did little to help the PS regain lost ground in time for the 1986 parliamentary elections; a recovery which up until that point was almost exclusively attributable to Fabius' popularity. More importantly for our study, it begs the question whether this poor rating was attributable to public disapproval of Fabius' self-importance because it did not comply with traditional expectations of prime ministerial comportment under the Fifth Republic. In other words, did Fabius lose the support of viewers watching the debate because his demeanour was too presidential and offended the sensibilities of a public that had grown accustomed to the self-effacing tendencies of successive Premiers within the regime?

Public perceptions of the relationship between President and Prime Minister between 1984-86 seem to corroborate our claim that Mitterrand was no longer so closely identified with the determination and direction of domestic policy. Unlike the period 1981-83 when surveys showed a strong association on the part of voters between the President, the party and the government (a drop in the President's popularity would automatically produce a decline in support for the PS and Prime Minister and vice versa), the two years preceding the legislative elections reveal an important evolution in this relationship, which testifies to the success of Mitterrand's efforts to reshape his presidential image in time for the almost inevitable defeat of 1986. Instead of mirroring presidential popularity, the level of public confidence accorded to Prime Minister Fabius was inversely proportionate to that accorded to Mitterrand and the PS. The President was no longer regarded as the principal government decision-maker, since

controversial incidents, such as the Greenpeace Affair, led to a rapid erosion in prime ministerial popularity, whilst the public rallied to the President who was attempting to dodge any responsibility for the affair by acting as an arbitrator above political divides. In the early stages of his premiership, this relationship worked to Fabius' advantage as he benefited from a high level of public confidence in his leadership, in spite of the general climate of pessimism affecting France at the time. By contrast, Mitterrand appeared unable to shake off the negative effects of economic austerity and the Savary Bill.¹¹¹ By the time his premiership was drawing to a close, however, Fabius' image was at an all-time low; the aforementioned indiscretions concerning Jaruzelski's visit and the Greenpeace affair were not well-received by the public and his popularity began to suffer.¹¹² Mitterrand, on the other hand, had been successfully cultivating his image as the '*le gardien de la solidarité*' in the run-up to the parliamentary elections.¹¹³ Thus, as the political climate improved with the promise of a new government to tackle France's problems, so the President, as the incarnation of France, benefited from this renewed public optimism.

4.4 *Les domaines réservés: 'le système de la présidence omnisciente et omnipotente'*¹¹⁴

Until his election in 1981, Mitterrand had consistently rejected the notion of so-called presidential '*domaines réservés*'.¹¹⁵ Throughout his period in opposition, he had repeatedly challenged this constitutional convention, arguing that no field of policy-making was exclusively presidential. In 1978, for instance, Mitterrand claimed that Giscard was endangering the stability and the democratic functioning of France's institutions by perpetuating such a false interpretation of executive power: '*si le Président de la République reste accroché à cet usage, qui n'est pas constitutionnel, du secteur réservé et veut, en somme, imposer ses décisions au gouvernement...on se trouverait dans une situation extrêmement difficile*'.¹¹⁶ In this respect, one may have been justified in expecting Mitterrand's arrival at the Elysée to produce a revised reading of the Constitution, whereby the dual allocation of control over foreign affairs and defence to both the President and the

Prime Minister actually did result in a power-sharing arrangement between the Head of State and the Premier, and an enhanced role for Foreign and Defence Ministers.

Once in office, however, Mitterrand abandoned his former stance to embrace the established tradition of presidential dominance in these fields. Interviewed by the author about Mitterrand's interpretation of the '*domaines réservés*', Louis Mermaz conceded that '*il (Mitterrand) est entré très vite dans les habits du général de Gaulle [...]. C'est vrai qu'il s'est servi de la Constitution et qu'il en a tiré le maximum*'.¹¹⁷ Mitterrand later justified his change of heart on the grounds that his pre-eminence did not derive from an acceptance of political convention, but from an accurate reading of the Constitution: '*Quant à ce fameux domaine réservé dont tout le monde parle, moi j'ai toujours été contre et je suis toujours contre. Ce que je viens d'évoquer (art.5, 15, 52 Const.) ce n'est pas le secteur réservé, ce sont les pouvoirs conférés par la Constitution au Président de la République*'.¹¹⁸ This statement was obviously designed to silence critics, who were accusing him of having forgotten his former rejection of an exclusively 'presidential sector'.¹¹⁹ Yet in attempting to show that his views had not changed since 1958, Mitterrand simply revealed the full extent of his reconciliation to de Gaulle's institutions. As we have already noted, sole responsibility for foreign affairs and defence is by no means clearly attributed to the Head of State by the Constitution. Indeed, this formed the basis of the Left's original opposition to the '*domaines réservés*' in the 1960s. By choosing to ignore this ambiguity, however, it may be contended that Mitterrand was not only perpetuating the existing convention but, as the above remarks show, he was attempting to transform it from an accepted practice into an institutional obligation. It is more than mere coincidence that this declaration came at a point when the Left seemed destined to lose the forthcoming parliamentary elections, and Mitterrand was faced with the possibility that his authority over these areas would be challenged by a right-wing government.

In his study of foreign and defence policy under the Fifth Republic, Cohen concludes that during the first five years of Socialist administration, presidential control over such areas increased due to Mitterrand's preference for independent decision-making and his reorganisation of administrative structures at the beginning of his mandate.¹²⁰ In an interview

with the author, former Foreign Minister Claude Cheysson rejected this observation as overly simplistic, particularly in relation to his own period of office from 1981 to 1984, when he claimed to have enjoyed an unprecedented level of autonomy.¹²¹ According to Cheysson, there were only three aspects of French foreign policy over which the President insisted on maintaining total control: Europe, relations with the UK and US in matters of international security and finally, Israel. Responsibility for decision-making in the remaining areas was left predominantly to the team at the Quai d'Orsay, who were simply required to keep the President informed of their actions.¹²² Not only does this appear to undermine Cohen's findings, but it also contradicts the widely held view that Mitterrand had a special interest in areas such as The Third World, Algeria and relations with the francophone States. Instead Cheysson argued that landmark speeches, like the one Mitterrand made before the Knesset in 1983, were designed to create an image of the French President as a visionary and international peace-maker, when in reality he had no real interest in the Palestinian cause.¹²³ Similarly, Cheysson claimed that the President cared little about francophone policy and handed over control of this dossier to a low-profile diplomat only a year after his election to the Elysée. He also added that with regard to Algeria, Mitterrand held the same views as he had done when he was Minister of the Interior under the Fourth Republic, although he would never have admitted this publicly.

Describing the nature of his ministerial duties, Cheysson even went so far as to claim that, with the exception of the Prime Minister, he was the single most powerful member of the government between 1981 and 1984. Having successfully persuaded Mitterrand to rename the Foreign Ministry '*le Ministère des Affaires extérieures*' in 1981, Cheysson asserted that he was required to oversee and, if necessary, overrule decisions taken by those ministers in charge of Finance and Defence, since some aspects of these policy areas overlapped into the general domain of External Affairs. Cheysson also gave examples of initiatives which he had launched with Mitterrand's knowledge, but without his consent,¹²⁴ and of policies which he had pursued beyond the presidential remit.¹²⁵ When asked why such actions had failed to produce a major conflict between the President and the Foreign Minister, Cheysson offered two complimentary explanations: firstly, he affirmed that such disagreements or differences of

opinion were solely confined to those areas in which Mitterrand had no particular interest, and secondly, Cheysson argued that during this period, Mitterrand was far too busy with domestic affairs to concern himself with foreign policy decisions which fell outside of the three aforementioned 'presidential' areas.¹²⁶ Towards the end of his period in office, however, Cheysson did concede that he had proffered his resignation following a disagreement with Mitterrand in 1983 over France's involvement in Near Eastern affairs, but that the President had declined his offer. Had he accepted, Cheysson confirmed that he would have left office immediately, as he totally accepted the established principle of presidential pre-eminence within the '*domaines-réservés*'.¹²⁷

If Cohen's assertion of increased presidential control is not borne out by Cheysson's account of his role at the Quai d'Orsay, it is certainly more easily applied to Roland Dumas' spell at the Foreign Ministry. Unlike Cheysson, who had a clear vision of both the role he intended to play and the policies he wished to implement, Mitterrand's old friend Dumas entered the government in 1984 without a political agenda. Throughout his period in office, he was content to concentrate upon the implementation of those policies drawn up by the President. This interpretation is corroborated by studies of Mitterrand's presidency, which confirm that almost every political initiative launched by Dumas between 1984 and 1986 focused on one of the three aspects of foreign policy which Cheysson claimed Mitterrand favoured. This resulted in either the complete abandonment of many of the policies pursued by Cheysson in other areas until 1984, or the delegation of responsibility for these dossiers to the diplomatic corps.¹²⁸ More importantly, however, Dumas's willingness to act as an executor of presidential decisions enabled Mitterrand to take full charge of foreign affairs, so that no decision was taken in this area without his prior knowledge and consent, bringing to an end the enhanced scope of action enjoyed by Cheysson, as well as his hopes of transforming foreign affairs into a more open and democratic area of policy-making.¹²⁹

4.4.1 Advisors and special envoys: another string to the presidential bow

One of the most important aspects of Mitterrand's approach to foreign policy was his development of '*une diplomatie parallèle*' - a team of personal advisors and foreign emissaries appointed by and answerable exclusively to the President for their actions. Not that de Gaulle or Giscard did not have their own teams of experts and close, personal collaborators, but the size of the presidential entourage increased considerably under Mitterrand and this undoubtedly allowed him to dominate the '*domaines réservés*' to a greater extent than his predecessors. In addition to those permanent members of the Elysée staff such as Jacques Attali, Hubert Védrine, Pierre Bérégovoy (replaced in July 1982 by Jean-Louis Bianco), the President also nominated special emissaries, whom he would send off on specific missions around the world. These presidential ambassadors did not always emanate from the ranks of the PS like Pierre Joxe or Jean Poperen, some were old friends (Patrice Pelat) or family members (Danielle, Jacques and Jean-Christophe Mitterrand). Nor did they necessarily need to have any previous experience in their allocated field of interest as shown by Mitterrand's nomination of Guy Penne, as the Elysée representative for African Affairs.¹³⁰

These advisors enabled Mitterrand to set up a double circuit of information. On the one hand, he was kept up-to-date about international developments by the Foreign Minister, the Minister for Foreign Trade and the Premier. On the other, he used his own private staff, whose political independence and personal loyalty were guaranteed, to research issues or meet foreign dignitaries on his behalf. Unlike the government which worked as a team sharing information and collaborating on specific dossiers, members of the presidential entourage were not encouraged to work together. Instead, Mitterrand would see them individually, when and if he deemed it necessary. By avoiding the establishment of too fraternal an atmosphere at the Elysée, Mitterrand was able to retain a strong hold over his staff who, Attali asserts, would compete against one another for his attention: '*un conseiller n'a pas à s'arroger une autorité qui n'émane pas de lui, mais à conquérir l'influence qu'il souhaite qu'on lui reconnaisse*'.¹³¹ It also allowed the President to ascribe the same task to two different individuals within his entourage, knowing that neither was likely to find out. In this way,

Mitterrand would be provided with two separate reports on the same question, thus maximising his knowledge of a subject before he was required to make a decision.

The existence of presidential advisors enabled Mitterrand to exclude the Prime Minister from foreign affairs;¹³² on occasions the Premier was not informed of important decisions until days after they had been taken by the President in collusion with his Elysée advisors. One example of this style of leadership concerns the decision to send French troops into Chad in 1983. Parliament was not in session at the time, so Mitterrand made use of his presidential prerogatives to launch the initiative, without having first consulted the National Assembly. It is not ironic to note that only three years earlier Mitterrand had attacked Premier Barre for not having involved the National Assembly in the decision to mount operation Kolwezi.¹³³ The fact that he chose not to inform the cabinet of his decision for a further two weeks, clearly illustrates the extent to which Mitterrand was prepared, and indeed able, to flout the guidelines of the Constitution by keeping the government, in particular the Prime Minister, out of international affairs.¹³⁴

If the Premier did have a part to play in foreign affairs and defence matters, it was as a Presidential mouthpiece or shield. Just as he was required to defend and sometimes assume Mitterrand's domestic policy decisions, so the Prime Minister also had to justify international policy initiatives in which he had had little or no input. Hence, Fabius reluctantly ended up protecting the government and the President during the Greenpeace affair. Similarly, the Foreign Minister, was also expected to support all presidential action in this field. This did not pose any significant problems between November 1984 and 1986, when Roland Dumas took over at the *Quai d'Orsay*. Claude Cheysson, on the other hand, did not accept this role so readily and, on several occasions, this resulted in him publicly expressing a contradictory view to that of the President.¹³⁵ At times, Cheysson's determination to remain true to his own convictions, as opposed to simply adopting those of the Elysée, did succeed in persuading the President to reconsider his position or to reflect upon an issue for a longer period than he might otherwise have done.¹³⁶ But on the whole, there were few advantages to be reaped by Cheysson or Mitterrand as a result of these displays of ministerial independence, since they

risked confusing both the electorate and the international community as to the real objectives of French foreign policy. Therefore, whilst it may be said that such challenges to the presidential monopoly over this area of policy-making injected a certain amount of creativity and discussion into foreign affairs during the first three years of Mitterrand's presidency, they did not alter the fact that the President alone had the power to take final decisions. Nor did they prevent this area from falling back under complete presidential control after 1984. As a result, it may be concluded that Cheysson's period in office did not ultimately contribute to the transformation of the '*domaines réservés*' into what one might describe as '*domaines partagés*'.

The way in which the Elysée entourage functioned between 1981 and 1986 reflected Mitterrand's personal leadership style and this may be seen as the second factor which contributed to an overall increase in presidential control over foreign affairs and defence during this period. Alistair Cole refers to Mitterrand's leadership as 'reactive' in so far as he was often 'forced to address agendas he had not selected, and to react to events he had not predicted'.¹³⁷ One might also contend that it could be dubbed 'leadership by procrastination', given that when he was faced with an unexpected turn of events, Mitterrand had a tendency to use both his government and his entourage as a means of deflecting public attention, while he took his time deciding how best to tackle the matter in question. In this respect, we would agree with Serge July when he says that Mitterrand characteristically preferred to '*laisser mûrir la situation, attendre que la fièvre monte, qu'elle aille jusqu'à son paroxysme pour enfin mobiliser toute son énergie*'.¹³⁸ In other words, he gathered together as much information as possible, consulting ministers, experts and friends, before intervening decisively at the most advantageous moment, even if this meant allowing a problem to go unresolved for longer than necessary. It was a flexible style of leadership which allowed Mitterrand to assess the potential impact of a specific policy upon the country, the government and the presidency in order to make the 'right' choice for France. However, Cheysson asserted that it could be extremely exasperating for those involved in the consultation process because throughout the deliberations Mitterrand would appear to agree with every single point of view being presented to him. In this way, the President retained the upper hand by ensuring that no

group or individual could claim to have influenced his decision-making: *'il ne voulait en aucun cas qu'un conseiller, un groupe de conseillers ou un ami avait le sentiment que c'était lui qui avait déterminé le Président. Ce n'est pas un désir de tromper, c'est qu'il ne voulait pas être prisonnier de qui que ce soit'*.¹³⁹

Given that Mitterrand openly acknowledged his pre-eminence over foreign affairs and defence, his use of special envoys and advisors may be interpreted positively as an example of his determination to explore all the channels open to him in order to make well-informed decisions in these sensitive areas.¹⁴⁰ As Claude Cheysson explains: *'sur tout problème important pour lui, il avait de différents cercles de conseillers, et ces cercles étaient placés dans des dimensions différentes, il n'y avait pas de contact ou possibilité de contact entre eux. Sur un grand sujet financier, naturellement il avait ses conseillers à l'intérieur de l'administration, il avait ses conseillers à l'Elysée dont le contact avec l'administration n'était pas toujours suffisant, il avait des conseillers bancaires privés qui n'avaient aucun contact ni avec l'administration, ni avec l'Elysée et il avait des conseillers de je ne sais pas où sur le même sujet'*. Critics of Mitterrand's style of presidential leadership, however, often focus upon his use of presidential advisors as proof of a willingness to exploit the more monarchical aspects of presidential power under the Fifth Republic.¹⁴¹ They accuse Mitterrand of deliberately surrounding himself with courtisans, who were wholly devoted to serving him, in order to protect his position and to undermine that of the government. Cohen argues that, although the data provided by these advisors may have led to a deeper analysis of foreign policy issues, their presence often led to inefficiency and conflict as a result of the lack of co-ordination and communication both within the Elysée team itself and between presidential advisors and the government.¹⁴² Védérine accepts these accusations of administrative incoherence, but denies that Mitterrand encouraged the formation of a quasi-monarchical entourage. He sees the loyalty of Mitterrand's Elysée advisors as one of the unavoidable consequences of his role as President – *'il y a cour dès qu'il y a pouvoir'*, adding that Mitterrand had a horror of over-familiarity and an extreme sense of republican protocol.¹⁴³ If these individuals did behave like royal courtisans around their 'monarch', Védérine claims that they did so voluntarily, since Mitterrand had no time for flattery or favouritism.¹⁴⁴ Yet one

could counter this statement by suggesting that the way in which Mitterrand chose to promote competitiveness between his personal advisors actively encouraged such courtisan behaviour. Furthermore, the fact that he sent presidential envoys to places where there were government ambassadors to negotiate on behalf of the French executive, and assigned tasks to advisors that were already the concern of specific ministers, gave the impression that there was a shadow cabinet in place at the Elysée, which could privately undermine the authority of the government.

There is certainly evidence to support the claim that ministers felt threatened by the influence which Mitterrand's personal advisors exercised over both domestic and foreign policy. At the start of 1982, for example, Premier Mauroy, endeavoured to persuade Mitterrand to appoint Pierre Bérégovoy to a government ministry, as opposed to continuing in his role as Elysée Secretary General. The reasoning behind this prime ministerial request derived from the fact that Bérégovoy was a known opponent of economic rigour. If he remained as the President's right-hand man, Mauroy feared he would never be able to convince Mitterrand of the need to cut public spending. As it transpired, Mitterrand made his own mind up to introduce economic austerity, but this was not without having regularly consulted the so-called '*visiteurs du soir*',¹⁴⁵ who recommended a dynamic change of policy direction, even though none of the individuals concerned had an official post within the government. On another occasion, Mitterrand's *directeur du cabinet*, André Rousselet, announced the appointment of new heads of radio and television channels, but forgot to inform Jérôme Clément, Prime Minister Mauroy's advisor for Communications, who was supposedly responsible for such nominations. Consequently, it is not difficult to see why the Elysée staff seemed to enjoy a higher public profile than under previous administrations and were described by one political commentator as '*le gouvernement-bis*'.¹⁴⁶

Although the presidential entourage may have enjoyed 'an image boarding on star status' during Mitterrand's period in office, one should not over-estimate its power.¹⁴⁷ In her study of the presidential staff under the Fifth Republic, Stevens identifies three main restrictions upon the autonomy of the Elysée team: firstly, the mammoth workload of these individuals

prevented them from being able to dedicate the time required for the formulation of policy, secondly, presidential advisors have no official decision-making powers according to the Constitution. Therefore, even if they did contribute to the elaboration of policy documents behind-the-scenes, these still required ministerial counter-signature. Finally, Stevens notes that no matter how influential some of Mitterrand's advisors may have seemed,¹⁴⁸ they could not build a wall around the President and prevent him from continuing to consult the government, just as the government could not prevent Mitterrand from consulting his advisors.¹⁴⁹ In this respect, the members of the Elysée team may be collectively regarded as another aspect of presidential power, rather than the independently powerful body which some commentators would have us believe they became under Mitterrand's leadership.¹⁵⁰ This is certainly an opinion shared by Claude Cheysson who, despite his considerable freedom of action as Foreign Minister, regards both the government and Elysée advisors as unable to exercise any real influence over foreign affairs and defence against the President's will. For as long as the President has the support of a the parliamentary majority, he may exercise as much or as little control over the reserved sector, ensuring that, in the words of the former foreign minister, '*les domaines réservés continueront à échapper aux procédures démocratiques*'.

4.5 Mitterrand's presidential discourse: an exercise in innovation and imitation

Our study so far has shown how Mitterrand derived his power from the effective exploitation of constitutional prerogatives, institutional conventions and party political affiliations. There were, however, other less tangible factors which influenced the way in which he constructed and consolidated his role between 1981-86, the most important being his ability to exploit the symbolic, mystical status of the presidency under the Fifth Republic.

The aura which surrounds the presidency in modern French political culture may be traced back to de Gaulle who, as the regime's founder, portrayed his function in a variety of ways, all of which lent a mysterious, almost supernatural dimension to the figure of the Head of State.

In her analysis of de Gaulle's speeches and writings after 1958, Milne observes the President being depicted not simply as the equal or symbol of a glorious France, but as the favoured son, the 'creator', the consort and the avatar of the '*patrie*'.¹⁵¹ De Gaulle's ability to conjure up this mysticism around the presidency undoubtedly owed a great deal to both his unique personality and the special role he played in delivering France from the trauma of the Second World War. However, it was also facilitated by the ambivalent nature of the presidential role enshrined in article 5 of the constitutional text. In our first chapter, we noted how the term '*arbitre*' was open to two different interpretations. The first of these required the Head of State to rise above the party fray, intervening in a purely censorial or arbitrational capacity to protect the national interest. Thanks to the 1962 constitutional amendment, this notion of the relatively passive '*Président-arbitre*' was given a further, apparently contradictory, dimension, which transformed the President into the direct representative of the people. This required him to descend into the political arena to play an active role in governmental affairs. As a result, the notion of the presidency which evolved under de Gaulle's leadership had to accommodate two opposing sets of criteria: on the one hand, the Head of State was required to transcend internal divisions as the figurehead of the nation; on the other, he had to represent the electorate by engaging in political debate.

This paradox, which characterises the nature of the French presidency, has now become a permanent feature of Fifth Republican politics. Successive Presidents have all drawn upon or adapted this Gaullist heritage, to varying degrees, in order to fulfil three main aims: to call for national unity, to justify presidential actions, authority or status and to valorise a specific set of beliefs or principles.¹⁵² Even those competing in presidential elections must take into account the fact that they are not only being judged against their political opponents, but also against the legacy of de Gaulle. In other words, any aspiring candidate must collude in perpetuating this presidential myth, via gestures or discourse, in order to demonstrate successfully that he/she is worthy of the role of Head of State.¹⁵³ Our discussion of the presidentialisation of the Socialist Party in the 1970s revealed that, in addition to the radical discourse which he employed at political rallies, Mitterrand developed a separate, public discourse that was clearly influenced by the increasing need to display both an understanding and an acceptance

(albeit an implicit one) of presidential traditions within the regime. In the following study of Mitterrand's speeches, press conferences and interviews following his election in 1981, we will examine the extent to which he went on to embrace, reject or reshape the discursive depiction of the presidential function, which emerged under de Gaulle's leadership.

Given that his candidature in 1981 was inextricably linked to the implementation of a detailed political programme, Mitterrand was first and foremost a Socialist President, democratically elected by the people to bring about the 'break' with capitalism. This partisan identity necessarily affected the way in which he was able to draw upon the presidential legacy at the beginning of his mandate; his discourse focused principally upon the explanation of government policy and institutional procedures. Only foreign policy offered a real opportunity for the President to highlight his visionary qualities, although one might contend that he was still basking in the glory of the Left's double electoral victory and did not need to explore other ways of valorising his role. He was the instigator of 'radical' economic, social and political change - a mission which he had a duty to fulfil as a result of the mandate he had received from the people. This acknowledgement of popular sovereignty was essential for Mitterrand to justify his intervention in political decision-making:

'Chacun sait que l'année 1981 aura été l'année du changement que la France a voulu et que son peuple, le 10 mai, m'a chargé de conduire avec le concours du gouvernement de la République et de l'Assemblée nationale issue des dernières élections'.¹⁵⁴

When circumstances permitted, however, Mitterrand willingly adopted a more lyrical style of language, which enabled him to play up the mystical aspects of the presidency, but without renouncing his political allegiances. In his inaugural address on the 21st May 1981, for example, he depicted his accession to power as the culmination of two centuries of heroic struggle on the part of the working-classes to acquire the means to change society. In doing so, Mitterrand was able to bestow a unique historical legitimacy upon his person in the same way that de Gaulle had done in 1958:

'En ce jour où je prends possession de la plus haute charge, je pense à ces millions et ces millions de femmes et d'hommes [...] qui, deux siècles durant, dans la paix et dans la guerre, par le travail et par le sang, ont façonné l'histoire de France sans y avoir accès autrement que par de brèves et glorieuses fractures de notre société.'

Moreover, by linking his own political philosophy to that of Jaurès and to events which had taken on a legendary status in the French national consciousness, Mitterrand managed to integrate into this historical framework, so that he too acquired a special symbolism. He was casting himself as the father of modern French Socialism - an effect compounded by the ceremonious laying of roses upon the tombs of three left-wing icons in the Pantheon the same day:

'C'est en leur nom d'abord que je parle, fidèle à l'enseignement de Jaurès, alors que, troisième étape d'un long cheminement, après le Front populaire et la libération, la majorité politique des Français, démocratiquement exprimée, vient de s'identifier à sa majorité sociale'.¹⁵⁵

As government action began to run into serious economic difficulties, however, Mitterrand found himself increasingly obliged to defend government measures in the face of hostile questioning from journalists and the public. Such interviews kept presidential discourse on predominantly realistic ground. Unlike the honeymoon period when public optimism had enabled Mitterrand to enjoy expounding upon his role as the *'premier responsable de la politique française'*, early indications that Socialist policies were not working undermined his position and, as Gaffney rightly notes, left the President on many occasions 'struggling to present himself as possessing a dignity and vision' worthy of his office.¹⁵⁶ It is at this point that two main changes may be observed in Mitterrand's presidential speech, both of which are interlinked: the first is a gradual shift away from traditional Socialist rhetoric in favour of more consensual notions such as national unity, security and patriotism;¹⁵⁷ the second is an increasing tendency for the President to depict himself enjoying a special relationship with both the French people and France. Let us now look at these developments in more detail.

Mitterrand's abandonment of the political doctrine which had motivated his quest for the presidency throughout the 1970s was a slow and subtle process, the roots of which may be traced back to his speech at Figeac on 28 September 1982, when he publicly declared that '*le socialisme à la française [...] je n'en fais pas une bible*'. Although the President continued to discuss government policy at length in interviews and speeches, the radical language he employed in the 1970s and at the beginning of his mandate was replaced by a vaguer rhetoric, which created a direct bond between himself and the French that was not dependent upon party political allegiances:

'Mon rôle comme Président de la République française est [...] de parvenir à réduire cet antagonisme pour réaliser l'union ou le rassemblement des Français pour le redressement national'.¹⁵⁸

This new terminology also allowed the President to embrace changes in policy direction, which had resulted from the failure of government measures to combat unemployment and inflation. Not that he explicitly acknowledged his sudden conversion to the merits of a mixed economy; instead Mitterrand maintained that his political philosophy had not altered in order to create a feeling of consistency and reliability around his persona:

'J'ai toujours été partisan de la liberté d'initiative et de l'esprit d'entreprise et je veux mettre en place une société d'économie mixte'.¹⁵⁹

He even described the economic crisis besieging France as an international phenomenon,¹⁶⁰ thus projecting responsibility for domestic problems onto vague external factors beyond presidential control. But if such statements rang rather hollow and were limited in their ability to shield the presidency from public discontent, the crisis did provide Mitterrand with an ideal opportunity to rise above party political divides in order to call for greater national solidarity. Military terminology such as '*bataille*', '*effort*', '*combat*', '*conquête*' and '*sacrifice*' appeared with increasing frequency in Mitterrand's discourse, and served as a possible means of rallying the

public to his leadership in the same way that a commander might rally his troops before battle: *'je cherche à convaincre les Français qu'il faut serrer les dents quand on veut gagner un combat difficile'*.¹⁶¹ In this case, it was the President who was leading the fight to see France emerge victorious, and inviting the electorate join him:

'Françaises, Français, mes chers compatriotes [...]. Il faut avant tout gagner la bataille pour la modernisation de la France et pour l'emploi, à laquelle je vous appelle de consacrer toutes vos forces'.¹⁶²

In the run-up to the parliamentary elections, Mitterrand was again able to exploit this battle metaphor both to rally support for the Left and to attack the Right. By portraying government reforms as the worthwhile products of a long political struggle, Mitterrand was able to implicitly cast the Right as the enemy force, whose accession to power would threaten the *'la paix sociale et la paix civile'* achieved under his leadership.¹⁶³

'Il n'y a pas de clameurs qui me feront modifier ce que nous avons entrepris pour la France. Je veux qu'elle gagne et je n'accepte pas qu'on la fasse perdre'.¹⁶⁴

These appeals for the French to unite against the common enemy (usually unemployment or industrial stagnation) often involved a portrayal of the President as what Milne might liken to de Gaulle's notions of the 'Favoured Son' or the 'Chosen one'.¹⁶⁵ These were typically characterised by an exaltation of France and her enduring greatness, and by an unconditional pledge to serve the *patrie*, whatever sacrifices and heroism that mission might require. Such statements elevate the President to a position where he actually becomes the incarnation of those qualities which make France great. Although Mitterrand's language was not as melodramatic as de Gaulle's, he nonetheless drew upon the main elements of the Gaullist Presidential legacy to enhance the mystery and prestige surrounding his function:

'Je vous appelle Françaises, Français à m'aider pour que, face à la crise qui secoue le monde, la France unie dans ses profondeurs, aborde le temps qui viennent. Moi j'ai

confiance. Ma volonté n'est que l'expression de cette force que je sens vivre partout et qui est celle de notre patrie'.¹⁶⁶

The economic problems which beset France also enabled Mitterrand to accentuate his role as President-guide, determined and uniquely gifted to see France out of trouble towards a prosperous future. Often the President would underline the fact that the electorate were resistant to or tired of the measures needed to restore France to her rightful status. Far from threatening his position, however, these revelations of weakness on the part of the French only served to highlight the President's exclusive vision and knowledge. He represented hope, constancy and tenacity in uncertain times:

'Personnellement, je sais exactement où l'on va. Dans la forêt des mesures, grandes ou petites, décidées par le gouvernement, je sais où se trouvera direction et je ne perdrai pas le nord, soyez-en sûrs'.¹⁶⁷

The above examples clearly demonstrate Mitterrand's ability to make a virtue out of necessity; for although his ability to indulge in lofty pronouncements was undoubtedly impeded by the constant need to defend the government's poor economic record, Mitterrand still managed to find ways of implicitly highlighting the President's special status. His readiness to use what Wayne Northcutt refers to as the 'language of realism' to address the concerns of the general public during this period, for instance, helped to build up a climate of honesty and openness around his leadership.¹⁶⁸ One might also contend that Mitterrand portrayed himself as the guarantor of democratic dialogue within the regime. By openly acknowledging the errors made by the Socialist government, as well as the potential struggle facing the France in its bid to overcome these difficulties, Mitterrand appeared as the only individual, whose supreme sense of duty and honour obliged him to tell the French people the unadulterated truth:

'Ma mission est de dire la vérité des Français aux Français. Cette mission je la remplirai'.¹⁶⁹

'Mon devoir est de parler clair et de m'opposer aux démagogues de tous ordres'.¹⁷⁰

In this way, Mitterrand not only encouraged the electorate to again place their trust in his leadership after the disappointments of 1983, but he also created a sense of direct communication between himself and the French which facilitated his transition from partisan President to President of all the French and, more importantly, the protector of the '*acquis sociaux*' under cohabitation. Furthermore, Mitterrand was able to combine the aforementioned qualities of vision and honesty to lay claim to quasi-clairvoyant powers, justifying his actions on the grounds that History would prove their validity.

One might even go so far as to argue that, on occasions, such statements implied that History was the only true judge of the presidency.¹⁷¹ Again this subtly played upon the notion that the Head of State was more than just a democratically elected representative - he possessed superior qualities, which made it impossible for him to be judged in the same way as other French citizens.

Above all, it was the field of international affairs which gave Mitterrand the greatest scope to focus upon the *grandeur* of his presidential status, without exposing him to criticism that he was becoming as monarchical as his predecessors. As the representative of French interests on the international stage, the President was expected to rise above party political divisions to speak as the voice of the whole nation. Mitterrand did not break with this convention, but proved just as capable as de Gaulle, Pompidou or Giscard of using foreign policy and defence as a way of asserting *his* supreme authority, reaffirming *his* legitimacy and carving out a world mission for himself. We may cite a few examples to illustrate these three uses of presidential discourse:

*'Ma volonté est d'aboutir à la libération du Tchad par une pression constante, par les moyens que je décide, et non qu'on veut m'imposer'.*¹⁷²

*'Ce terrorisme-là, comme les autres, me trouvera devant lui [...]. J'ai la charge de veiller à la sécurité des Français [...], j'ai aussi la charge de veiller à la grandeur de la France'.*¹⁷³

'Le Président est le seul juge des intérêts vitaux de la France [...]. La pièce maîtresse de la dissuasion, c'est le Chef de l'Etat, c'est moi, car tout dépend de sa détermination. Le reste n'est que matière inerte'.¹⁷⁴

'Le Président de la République incarne la nation, l'Etat, la République, le pays tout entier. Chacun devrait s'en souvenir davantage'.¹⁷⁵

'Là (au Liban) comme ailleurs, la France défend les principes de l'indépendance nationale et l'équilibre des forces dans le monde'.¹⁷⁶

On occasions, Mitterrand's speeches abroad provoked controversy; during a trip to Moscow in June 1984, for example, the President dared to remind the Soviet powers of human rights issues. He showed similar determination in 1981, when he openly dismissed US claims that the presence of Communist ministers posed a serious threat to international security,¹⁷⁷ and again in 1985, when he opposed the Star Wars project and US proposals for free trade.¹⁷⁸ On both occasions, his resistance to American initiatives and interference in national affairs won him the approval of the electorate and the media, as he was perceived as the defender of French interests in the face of US intimidation.¹⁷⁹ By refusing to compromise his convictions in the interests of international diplomacy, Mitterrand not only displayed an independence of spirit reminiscent of de Gaulle, but he gave the impression that he possessed a kind of intellectual and moral supremacy, which allowed him to challenge the superpowers.¹⁸⁰

Mitterrand's ability to focus upon himself and the different elements of his presidential function was tested further in the run-up to the 1986 election. Paradoxically, it was the prospect of a right-wing victory – an institutional arrangement that commentators anticipated would result in a substantial loss of presidential authority – which allowed Mitterrand to develop a whole new dimension to his power as the guardian of the Republic's institutions. In a televised interview broadcast on TFI in July 1985, Mitterrand affirmed his intention to refer strictly to the Constitution in order to define the role he would play under cohabitation: *'Mon devoir, je le connais: respecter les textes. Et les textes disent que le gouvernement détermine et conduit*

la politique de la nation'. However, the President went on to claim that above and beyond the specific institutional role attributed to him in the 1958 text, he had a unique moral authority to make decisions on behalf of the French: '*le Président de la République a non seulement une fonction institutionnelle précise, mais aussi une fonction morale et d'autorité qui n'est pas disputée*'.¹⁸¹ Lurking behind this assertion was the implicit message that, as President, Mitterrand was blessed with a special understanding of the Republic, which set him apart from all other Frenchmen and enabled him to fulfil this duty to safeguard France's interests better than any other; as he pointed out in 1984, '*c'est parce que c'est difficile que je l'ai décidé*'.¹⁸²

The construction of this particular aspect of the President's legendary status is an excellent illustration of the way in which language may be used not only to reflect changing political realities, but to forge reality itself. For although there was no real textual justification for Mitterrand's assertion of moral superiority, he was able to validate such a notion through his discursive manipulation of the Constitution and traditional expectations of the presidential role. This is a point to which we will return in the following chapter, when we examine the impact of cohabitation upon the exercise of presidential power between 1986 and 1988.

Even when Mitterrand did descend directly into the political arena to campaign on behalf of the PS, he nonetheless took great care not to allow his seemingly partisan statements to undermine the image he had been creating for himself as President of all the French. One of the ways in which he achieved this objective was by emphasising the personal, as opposed to the party-political, nature of his interpretation of Socialism (outside of PS rallies when he confirmed his continued allegiance to party ideals).¹⁸³ Often he would pass off a reference to his Socialist beliefs in a very casual way, as if it were irrelevant or secondary to other more important matters: '*je suis socialiste, c'est comme cela. Je crois qu'on le savait quand j'ai été élu*'.¹⁸⁴ As Gaffney rightly asserts, such comments have the paradoxical effect of 'enhancing the persona of Mitterrand because they are like honest admissions, while neutralising the accusation that he is partisan'.¹⁸⁵

4.6 Restrictions on presidential power

Our discussion so far has shown how Mitterrand promised to bring change to France in the form of social and economic reform and a more faithful interpretation of the Constitution, which would inject a greater dose of democracy into de Gaulle's institutions. As far as the first two criteria are concerned, one might refer back to the title of Mitterrand's 1971 publication and say that he achieved '*le socialisme du possible*'. In other words, the President endeavoured to implement most of the major reforms listed in the 110 propositions, but was forced to halt the process in 1983 when economic realities undermined the fundamental reasoning behind such policies. In terms of his success enhancing the roles played by Parliament, the government and other bodies such as the Constitutional Council and the media, the answer is less clear-cut. On the one hand, it has been shown that Mitterrand was equally, if not more powerful than previous occupants of the Elysée thanks to the support he received from three key groups: namely the government, the Socialist Party and parliamentary majority, and his team of personal advisors, as well as his clever use of discourse and pragmatic style of leadership. On the other hand, however, one could also argue that this was counter-balanced by other factors, which ensured that Mitterrand did not dispose of unlimited power within the regime. Therefore, before we can draw any definite conclusions, we should discuss these possible restrictions on presidential power in more detail.

Amongst the most important reforms implemented by the Left were those of decentralisation and the liberation of the so-called '*Paysage audiovisuel français*', both of which aimed to bring about a dilution of State control over the regions and the media respectively. In the long run, decentralisation largely achieved its objective (even if, as some critics have argued, it merely resulted in the preponderance of the same authoritarian executive model on a local level),¹⁸⁶ but the process of administrative restructuring that this policy involved took many years. As a result, the effects of any reduction in centralised decision-making were not evident until later on in Mitterrand's septennate. The lifting of State control over broadcasting began in July 1982 with the creation of the '*Haute Autorité de l'Audiovisuel*' (later replaced by the CSA), an independent body charged with appointing the Presidents of the six public broadcasting

companies. It was continued in 1985 thanks to government legislation authorising private television stations.¹⁸⁷ Yet despite these decisive moves to free television and radio from interference on the part of the executive, there is considerable evidence to suggest that the President continued to exercise an important influence over this sector, mainly due to his power of appointment.¹⁸⁸ Similarly, it should be noted that the government's nationalisation programme gave Mitterrand a greater number of posts to appoint to than any other Head of State under the Fifth Republic. One should not under-estimate the extent to which this power enabled the President both to shield his own position from attacks and to indirectly influence decision-making in different areas from public transport to the coal industry. Mitterrand clearly understood its importance; what other explanation can there be for the President's decision to extend the list of posts nominated by the Head of State prior to the 1986 parliamentary elections?

It may also be added that Mitterrand's commitment to the process of European integration, signalled by his decision to remain in the EMS in 1983, ultimately required him to give up some decision-making power to technocrats in the Finance Ministry and the *Banque de France*, as well as to the representatives of supranational institutions.¹⁸⁹ This might seem to contradict our earlier assertion that the President increased his control over foreign affairs and defence during his first five years in office. It may be argued, however, that the effects of any loss of presidential control over the '*domaines réservés*' which resulted from France's membership of European bodies, was more than compensated for by Mitterrand's effective use of his Elysée advisors and his unique presidential style. As we have seen, the President's development of a personal diplomatic corps enabled him to consolidate his hold over foreign affairs. Furthermore, his leadership in these areas, which built upon de Gaulle's legacy of authority and national independence, also served to create a sufficiently statesman-like image that would prove to be one of Mitterrand's most effective tools during cohabitation.

Some critics go so far as to claim that Mitterrand's presidential leadership saw the emergence of an additional presidential sector, that of cultural policy. From the start of his presidency, Mitterrand took a particular interest in this area, giving the go-ahead for a veritable wave of

architectural projects, known as '*les grands travaux*', and allocating a significantly higher amount of State funding to this sector than under previous administrations.¹⁹⁰ With his friend Jacques Lang as Minister of Culture, Mitterrand was able to intervene easily to determine the orientation of cultural policy, especially after the aforementioned decree, which extended Mitterrand's list of appointments to include the directors of the Paris Opera, the Louvre and other cultural institutions. Consequently, one could agree with Revel when he contends that this area offered the President yet another means of increasing his influence over national affairs, as well as making his mark (quite literally) on French history.¹⁹¹

But if Mitterrand was, at times, seduced by the monarchical trappings of the presidency, such as the power to nominate friends and allies to key posts throughout the State or to protect certain colleagues from political censure, it may be contended that this was partly offset by an increase in the influence of other bodies over national decision-making during this period. The plethora of legislative projects which passed through Parliament, for example, led to an enhanced role for the Constitutional Council, which provided the opposition with its only real means of challenging government policy given the size of the Left's majority in the National Assembly. Thanks to an earlier Giscardian reform allowing a group of 60 or more *députés* to call upon the Constitutional Council to make a judgement, sixty-six pieces of legislation were subject to this procedure in five years, with the Constitutional Council ruling against the government in more than half of those cases. In this respect, it played a key role in ensuring that many Socialist projects were debated more fully, both in Parliament and in the media, before they became law, providing at least some opportunity to control executive power under the regime.

Checks on presidential action did not only come in the form of specific pieces of government legislation being referred to the Constitutional Council by the opposition; as our earlier analysis of presidential-party relations following the 1981 victory showed, the PS and its Parliamentary majority enjoyed an unprecedented influence over national affairs during this period. Admittedly, this power lessened after 1984. Nevertheless, on numerous occasions it was sufficient to persuade the executive to alter policy objectives. The mere threat of party

dissidence was often enough to convince the executive to revise legislation before it was presented to Parliament. This clearly demonstrates that, unlike de Gaulle's period in office when the UDR was little more than a vehicle for presidential propaganda, the PS still maintained its right to question the decisions of the Socialist executive and to debate policy, without damaging the Left's institutional position. That said, the executive had at its disposal article 49-3 (as well as 49-1 and 38) and did not hesitate to use it, in spite of Mitterrand's previous condemnation of such practices.¹⁹²

Perhaps the most effective restriction upon Mitterrand's scope of action between 1981 and 1986, however, were the French themselves. For although the public had no real possibility of sanctioning the Head of State outside of presidential elections and referenda (the latter being entirely at the President's discretion), they could still show their disapproval via surveys and national demonstrations. Having been directly elected by the people, Mitterrand had a constitutional responsibility to reflect the views of the French in all their diversity. In the case of the Savary Bill, public opposition to the project led the President to abandon his previous stance and parade a concern for national interests, which took precedence over his own political convictions. Likewise in 1985, public expectations that heads should roll as a result of the Greenpeace affair made it impossible for Mitterrand to resist the resignation of Defence Minister, Charles Hernu.

4.7 Concluding remarks

As the first Socialist President of the Fifth Republic, we have shown how Mitterrand's power was predominantly political in the first few years of his presidency. The key role played by the PS in drawing up the 110 propositions, which formed the basis of Mitterrand's presidential Programme in 1981, meant that the party and its parliamentary group enjoyed an unprecedented level of involvement in national decision-making between 1981-86. Even when Mitterrand began to distance himself increasingly from domestic politics from 1983 onwards, he still recognised the need to maintain PS support for his leadership, forcing the

government to push on with contentious policy initiatives like the anti-Hersant law to appease the party faithful.

Similarly, Mitterrand's initial control over government action was largely determined by his professed commitment to the reforms detailed in his manifesto. As a result, ministers also experienced greater degree of control over their specific areas of responsibility than under former administrations. Unlike the parliamentary group, however, members of the government owed their appointment directly to Mitterrand and, as result, there were instances when this constitutional subordination obliged ministers to yield to the presidential view or resign. Therefore, whilst the level of autonomy enjoyed by the government in the first few years of Mitterrand's presidency was partly due to their shared political objectives, as our interview with Claude Cheysson showed, it was also attributable to the President's discretionary power to grant his ministers greater freedom of action when and if he chose to.

The economic U-turn in 1983 seriously undermined the political programme which had so far linked Mitterrand, the government and the party group, and this affected their relationship in different ways. On the one hand, the Socialist party saw its power decrease as it became more dependent on Mitterrand as a reference point for its actions and a voice within the executive. On the other hand, the government and, in particular, Prime Minister Fabius appeared to be enjoying enhanced autonomy as Mitterrand's falling popularity prompted him to focus his attention upon the consensus building areas of foreign affairs and defence. Incidents such as the withdrawal of the Savary Bill in 1984, however, highlight the fact that the President could intervene at any moment to impose his will upon the government. In this respect, it may be said that Mitterrand did little to break with the interventionalist practices of his presidential predecessors and his pre-eminence over government affairs was never seriously contested.

By exploiting the more symbolic aspects of his function, such as presidential discourse and the *domaines réservés*, at a time when his popularity was at an all-time low and his political credibility was diminishing, our discussion has shown how Mitterrand was able to gradually

discard his highly partisan image in favour of that of the supreme national judge above the party fray. In so doing, Mitterrand began to re-structure the nature of his power within the regime, so that it was no longer so dependent upon the presence of a socialist parliamentary majority. Instead, he claimed that his authority derived from the President's institutional supremacy and the unique visionary qualities which he had brought to the presidential function. This ability to adapt his exercise of power to changes in the political conjuncture, whilst still conforming to one of the two contrasting interpretations of the presidential arbitrational function discussed in chapter 1, may be seen as one of Mitterrand's greatest strengths during his first septennate. Not only did it help to protect him from further public disenchantment with the government, but it also facilitated his transformation from Socialist President into tactical statesman in time for France's first experience of political cohabitation.

Notes to Chapter 4

¹ Mitterrand won 52.22% of votes cast, Giscard obtained 47.78%. For a breakdown of voting patterns see Didier Maus, *Textes et documents relatifs à l'élection présidentielle des 26 avril et 10 mai 1981* (Paris: La Documentation française, 1981). The 1981 presidential campaign is explored by Pierre Favier & Michel Martin-Roland in *La Décennie Mitterrand 1: Les Ruptures (1981-1984)* (Paris: Seuil, 1990), pp.15-39.

² The PS secured an absolute majority in the National Assembly elections (285 of 480 seats). See Jean-Marie Colombani & Hugues Portelli, *Le Double septennat de François Mitterrand: dernier inventaire* (Paris: Grasset, 1995), p.343.

³ See Jérôme Jaffré, 'De Valéry Giscard d'Estaing à François Mitterrand: France de gauche, vote à gauche', *Pouvoirs*, 20 (1981), 5-28.

⁴ This is borne out by Gérard Grunberg whose analysis of the 1981 presidential election results found that those who voted for Mitterrand in the second round were most likely to have been motivated by the desire to see a new style of presidential leadership, rather than support for the Left's political programme. Gérard Grunberg, 'Causes et fragilités de la victoire socialiste de 1981' in *1981: Les élections de l'alternance* (Paris: Presses de la fondation nationale des sciences politiques, 1986), pp.23-61.

⁵ Jacques Robert, 'Le rôle du président', *Après-demain*, 271-272 (Feb-March 1985), pp.9-12.

⁶ Extract from President Mitterrand's first press conference held on the 24 September 1981.

⁷ P.A. Hall in *The Mitterrand Experiment: Continuity and Change in Modern France* ed. by G. Ross, S. Hoffmann & S. Malzacher (Cambridge: Polity Press, 1987), p.56.

⁸ Mitterrand, *Ici et maintenant*, p.15.

⁹ This point is borne out by the findings of a poll conducted by *Libération* in 1995, which asked the public to list the top ten achievements of Mitterrand's fourteen years in office. Six out of the ten most common responses referred to events that took place between 1981 and 1986. See 'Les dix commandements de Mitterrand', *Libération*, 13-14 May 1995, Special supplement.

¹⁰ This was corroborated by Louis Mermaz: 'L'ensemble des gens c'était des gens que François Mitterrand avait suggéré à Pierre Mauroy. Disons qu'il a constitué son gouvernement autour de Pierre Mauroy'. Interview with the author, 6 July 1999.

¹¹ As PS First Secretary, Mitterrand insisted on choosing his own advisors. He also put together his campaign teams for the presidential contests in 1974 and 1981.

¹² Franz-Olivier Giesbert, *François Mitterrand: une vie* (Paris: Seuil, 1996), p.344.

¹³ When asked about his appointment of ministers in 1981, Mauroy replied 'Mes ministres? J'en ai nommé un!' See Robert Schneider, *La Haine tranquille* (Paris: Seuil, 1993), p.67.

¹⁴ On 21 May 1981.

¹⁵ The first Mauroy government which was announced on 22 May 1981 comprised 31 ministers and 12 secretaries of State. For a comprehensive list of these nominations see *L'Année politique 1981*, pp.146-148.

¹⁶ Favier & Martin-Roland, *La Décennie Mitterrand I*, p.70.

¹⁷ Ibid., p.68.

¹⁸ See Giesbert, *François Mitterrand: une vie*, p.353.

¹⁹ Article 49-1 of the Constitution.

²⁰ *François Mitterrand au regard du Monde*, p.41.

²¹ Favier & Martin-Roland, *La Décennie Mitterrand I*, p.84.

²² For a full list of Elysée appointments following Mitterrand's presidential election in 1981 see *Pouvoirs*, 20 (1981), pp.146-149.

²³ Samy Cohen, 'Les hommes de l'Elysée', *Pouvoirs*, 20 (1981), 87-99 (p.90).

²⁴ Under Mitterrand only a third of Elysée advisors were ENA graduates, as opposed to two thirds under the Giscardian administration and half during Pompidou's presidency. Ibid.,

²⁵ It is ironic to note that in his 1945 publication, *Refaire la France*, Michel Debré recognised the importance of such advisors as a key aspect of the *Prime Minister's* power to '*contrôler et coordonner ses ministres et faire pénétrer sa volonté dans tous les rouages de son gouvernement et de son administration*'. (p.131).

²⁶ This was the title of an article which appeared in the *Nouvel Observateur* in November 1981.

²⁷ See 'Un entretien avec M. François Mitterrand', *Le Monde*, 2 July 1981, pp.1, 10 & 11.

²⁸ Catherine Nay, *Les Sept Mitterrand ou les métamorphoses d'un septennat* (Paris: Grasset, 1988), p.73.

²⁹ Pierre Avril, '<<Chaque institution à sa place...>> Le Président, le parti et le groupe', *Pouvoirs*, 20 (1981), 115-126 (p.118).

³⁰ *Le Matin*, 26 October 1981. Ibid., p.116.

³¹ 'Le parti a ensuite pour rôle de veiller à ce que le programme soit appliqué, d'être le gardien du programme [...]. Par ailleurs, le parti doit empêcher que le pouvoir politique ne s'isole [...], et (il) doit exercer à travers le groupe parlementaire son contrôle de l'action gouvernementale'. Louis Mermaz, President of the National Assembly, 25 October 1981, cited in Quermonne, J-L., 'Un gouvernement présidentiel ou un gouvernement partisan?', *Pouvoirs*, 20 (1981), 67-86 (p.80).

³² In an interview with the author on the 6 July 1999. The extract to which the author is referring comes from Mitterrand's inaugural address on 21 May 1981.

³³ For details of these incidents see Avril, '<<Chaque institution à sa place...>> Le Président, le parti et le groupe', pp.116-126.

³⁴ Ibid.,

³⁵ The so-called '<<triumvirat>> or <<triangle>> Mauroy-Mermaz-Jospin'. See Jean-Louis Quermonne, 'Un gouvernement présidentiel ou un gouvernement partisan?', (p.80) and D. Turpin, *Crise de la démocratie représentative in François Mitterrand et la fonction présidentielle* ed. by Charles Zorgbibe (Paris: Economica, 1986), pp.77-94.

³⁶ Jean-François Revel, *L'Absolutisme inefficace (ou contre le présidentielisme à la française)* (Paris: Plon, 1992), p.31.

³⁷ Avril, '<<Chaque institution à sa place...>> Le Président, le parti et le groupe', p.123.

³⁸ Lionel Jospin, *Le Nouvel Observateur*, 17 October 1981, Ibid.,

³⁹ Ibid.,

⁴⁰ 'Le parti socialiste a inspiré le projet gouvernemental de statut de Paris'. Lionel Jospin, 7 July 1982, Ibid.,

⁴¹ This expression was used by Mitterrand in October 1981. See *Le Quotidien de Paris*, 26 October 1981, p.2.

⁴² See Colombani & Portelli, p.344.

⁴³ Author's interview with Louis Mermaz, 6 July 1999.

⁴⁴ Cited in Avril, '<<Chaque institution à sa place...>> Le Président, le parti et le groupe', p.118.

⁴⁵ Ibid.,

⁴⁶ Despite considerable resistance from supporters of Jean-Pierre Chévènement, the former Minister of State for Research and Technology, who resigned his government post in protest at the economic U-turn.

⁴⁷ Jean Lacouture, *Mitterrand, une histoire de Français 2. Les vertiges du sommet* (Paris: Seuil, 1998), p.87.

⁴⁸ Interview with Lionel Jospin on 15 April 1998 transcribed in Lacouture, *Mitterrand, une histoire de Français 2*, p.583.

⁴⁹ This was confirmed by Louis Mermaz who, in an interview with the author, asserted that: 'Quant au parti socialiste, évidemment, en dehors de Lionel Jospin, il avait été vidé de la plupart de ses éléments importants puisqu'ils étaient tous devenus députés ou surtout ministres. Donc c'était une nouvelle génération de militants socialistes'.

⁵⁰ Jospin reflects back upon several instances when he criticised government policy between 1981-6 in Lacouture, *Mitterrand, une histoire de Français 2*, p.584.

⁵¹ Ibid.,

⁵² Hubert Védrine, *Les Mondes de François Mitterrand à l'Élysée 1981-1996* (Paris: Fayard, 1996), p.58.

⁵³ At the PS congress in Bourg-en-Bresse in October 1983. See Colombani & Portelli, p.200.

⁵⁴ Giesbert, *François Mitterrand: une vie*, pp.434-5.

⁵⁵ Author's interview with Louis Mermaz on 6 July 1999.

⁵⁶ After 166 hours of debates in the National Assembly, during which 1735 amendments were presented by the opposition, the anti-Hersant law was finally voted using article 49-3.

However, this hard fought victory was short-lived and the law was ruled unconstitutional by the Constitutional Council in October 1984. See Favier & Martin-Roland, *La Décennie Mitterrand I*, pp.210-5.

⁵⁷ Paul Webster, *Mitterrand: l'autre histoire* (Paris: Editions du Félin, 1995), p.211.

⁵⁸ 'La manifestation a dépassé en ampleur et en force ce que j'attendais'. Interview with Mitterrand on 9 July 1989. See Pierre Favier & Michel Martin-Roland, *La Décennie Mitterrand II: Les Épreuves (1984-1988)* (Paris: Seuil, 1990), p.135.

⁵⁹ 'Là aussi c'était une grande déception pour les socialistes et surtout pour les plus laïcs quand ils ont vu qu'il y a eu un accord entre François Mitterrand et le gouvernement Fabius pour enterrer l'âge de guerre pour régler le problème scolaire'. Louis Mermaz in an interview on 9 February 1989. Ibid.,

⁶⁰ Serge July, *Les Années Mitterrand* (Paris: Grasset, 1986), p.29.

⁶¹ Ibid., p.158.

⁶² Laurent Ménière, *Bilan de la France 1981-1983* (Paris: Hachette, 1993), p.336.

⁶³ Michel Charasse was political and constitutional advisor to the Elysée.

⁶⁴ See Favier & Martin-Roland, *La Décennie Mitterrand II*, p.145.

⁶⁵ Ibid., p.150.

⁶⁶ According to Michel Charasse's account of this incident, Mitterrand told him '*Laissez-moi parler, on va lui (Jospin) expliquer qu'il faut que l'on s'en sorte. S'il réagit comme nous, on lui raconte tout. Sinon, on ne lui dit rien*'. Ibid., p.144.

⁶⁷ Although this did not become apparent until after the Toulouse Congress in 1985, when the party finally voted to officially abandon the ideology of a '*rupture*' with capitalism in favour of more general republican values such as 'solidarity' and 'equality'. See Maurice Duverger's article entitled 'L'heure de Bad Godesberg' which appeared in *Le Monde*, 8 October 1985, p.

⁶⁸ Interview with Lionel Jospin, 15 April 1998 cited in Lacouture, *Mitterrand, une histoire de Français 2*, p.583.

⁶⁹ Jean-Pierre Chévènement was leader of the CERES group within the PS, which tabled a motion at the Bourg-en-Bresse congress opposing the government's revised economic strategy.

⁷⁰ Lacouture, *Mitterrand, une histoire de Français 2*, p.583.

⁷¹ In response to journalists questions in Athens on 22 June 1985, Mitterrand explained that '*le chef du gouvernement doit expliquer, proposer, entraîner. Il est le leader naturel de la majorité*'. The fact that the PS represents the majority in elections, however, meant that '*il revient naturellement aux responsables de ce parti de conduire la campagne qu'ils entendent mener à leur guise*'.

⁷² Cited in *Le Monde*, 10 December 1981, p.4.

⁷³ Mitterrand speaking on the TV programme *Cartes sur table* on Antenne 2. See 'Je ferai por la France ce que j'ai fait pour le socialisme', *Le Monde*, 18 March 1981, pp.8-9.

⁷⁴ Quermonne, 'Un gouvernement présidentiel ou un gouvernement partisan?', p.68.

⁷⁵ This statement appears to be supported by Giesbert's claims that Mauroy himself could not believe he had been appointed Prime Minister. Giesbert, *François Mitterrand: une vie*, p.360.

⁷⁶ See chapter III, p.

⁷⁷ Zorgbibe, *François Mitterrand et la fonction présidentielle*, p.24.

⁷⁸ See Colombani & Portelli, p.245.

⁷⁹ M. Szafran & S. Ketz, *Les Familles du Président* (Paris: Grasset, 1982), p.15.

⁸⁰ Quermonne, 'Un gouvernement présidentiel ou un gouvernement partisan?', pp.77-8.

⁸¹ X., 'Le fonctionnement de la machine gouvernementale et l'alternance' in 'Les institutions de la Cinquième République', *Après-demain*, 271-272 (Feb-March 1985), 19-21.

⁸² Védrine, p.44.

⁸³ See Nay, *Les Sept Mitterrand*, p.85.

⁸⁴ See 'Un entretien avec M. François Mitterrand', *Le Monde*, 2 July 1981, pp.1, 10 & 11.

⁸⁵ Lacouture, *Mitterrand, une histoire de Français 2*, p.34.

⁸⁶ Favier, P., & Martin-Roland, M., *La Décennie Mitterrand I*, p.126.

⁸⁷ François Mitterrand, 23 September 1981.

⁸⁸ Thierry Pfister, *La Vie quotidienne à Matignon au temps de l'Union de la Gauche* (Paris: Hachette, 1985), p.164.

⁸⁹ Ibid.,

⁹⁰ As early as October 1981 Mauroy told Mitterrand, 'Je suis aux côtés de Jacques Delors. S'il ne s'agit pas de remettre en question notre politique, il faut bien admettre que le rigueur est de rigueur'. Giesbert, *François Mitterrand: une vie*, p.363.

⁹¹ See Colombani & Portelli, p.274.

⁹² J.W. Friend, *Seven Years in France: François Mitterrand and the Unintended Revolution 1981-1988* (Boulder, Colorado: Westview Press Inc, 1989), p.94.

⁹³ As Giesbert put it - 'Pierre Mauroy est arrivé à Matignon sans autre projet que de satisfaire au mieux celui qui l'a fait prince'. See Giesbert, *François Mitterrand: une vie*, p.360.

⁹⁴ Nay, *Les Sept Mitterrand*, p.19.

⁹⁵ See Colombani & Portelli, p.245.

⁹⁶ Laurent Fabius, *L'Heure du vérité*, Antenne 2, 5 September 1984.

⁹⁷ These headlines appeared respectively in *Libération* and *Le Quotidien de Paris* following the announcement of Fabius' nomination as Prime Minister.

⁹⁸ July, p.100.

⁹⁹ Giesbert, *François Mitterrand: une vie*, p.451.

¹⁰⁰ Ibid.,

¹⁰¹ Colombani & Portelli, p.274.

¹⁰² For example, 'Ne trouvez-vous pas, Monsieur le Premier ministre, que vous avez eu raison quand vous avez déclaré que...' See Reyel, *L'Absolutisme inefficace*, p.115.

¹⁰³ Lacouture, *Mitterrand, une histoire de Français 2*, p.191.

¹⁰⁴ In a TV interview in Spring 1985, Mitterrand was asked how he felt about the enormous popularity of ministers such as Jacques Lang and Laurent Fabius, to which he replied: 'Je suis très content pour eux et je suis très content de pouvoir servir de bouclier'. See Nay, *Les Sept Mitterrand*, p.148.

¹⁰⁵ Lacouture, *Mitterrand, une histoire de Français 2*, p.213.

¹⁰⁶ Jacques Attali, *Verbatim I. Deuxième partie 1983-1986* (Paris: Fayard, 1993), p.1359.

¹⁰⁷ Ibid.,

¹⁰⁸ See Colombani & Portelli, p.275.

¹⁰⁹ Giesbert, *François Mitterrand: une vie*, p.450.

¹¹⁰ To which Chirac replied sarcastically '*Mais vous êtes un roquet. Cessez donc de me mordre les mollets*'. See Nay, *Les Sept Mitterrand*, p.157.

¹¹¹ See opinion polls cited in Colombani & Portelli, pp.245-68.

¹¹² Ibid.,

¹¹³ François Mitterrand, 2 January 1986.

¹¹⁴ This expression was used by Revel in *L'Absolutisme inefficace*, p.142.

¹¹⁵ In *Le Coup d'Etat permanent*, for instance, Mitterrand argued that the notion of a '*secteur réservé..viole la Constitution*'.

¹¹⁶ François Mitterrand, 9 March 1978 see André Laurens, 'M.Mitterrand écarte la théorie du domaine réservé du chef de l'Etat', *Le Monde*, 10 March 1978, pp.1 & 9.

¹¹⁷ Author's interview with Louis Mermaz on 6 July 1999.

¹¹⁸ François Mitterrand, 14 July 1985. See Alain Rollat's article entitled 'A la lettre', which appeared in *Le Monde*, on 16 July 1985, pp.1 & 7.

¹¹⁹ Ibid.,

¹²⁰ Samy Cohen, *La Monarchie nucléaire: les coulisses de la politique étrangère sous la Cinquième République* (Paris: Hachette, 1985), p.24.

¹²¹ Author's interview with Claude Cheysson on 6 September 1999.

¹²² Or as Cheysson put it bluntly - '*du reste, il s'en foutait complètement*'. Ibid.,

¹²³ Cheysson also maintained that Mitterrand's speech at Cancun in 1981 aimed to create the impression the President had a strong commitment to the development of the Third World, when, in fact, he did not.

¹²⁴ Namely the 'return' and subsequent trial of Klaus Barbie.

¹²⁵ The French military presence in Nicaragua was greater than Mitterrand had wanted it to be.

¹²⁶ '*J'ai eu en effet une latitude d'action assez remarquable. Pour deux raisons complémentaires. L'une est que sur des sujets qui intéressaient François Mitterrand, venant de l'extérieur, nous étions totalement d'accord. L'autre c'est que nous étions en début du premier septennat quand le Président a beaucoup d'autres affaires à traiter que les affaires extérieures qui ne l'intéressent pas*'.

¹²⁷ '*Je suis très partisan de la Constitution de la Cinquième République. Je crois qu'avoir donné à un élu directe une responsabilité de longue durée sans possibilité de remise en cause est d'une importance considérable par rapport aux politiques qui doivent nécessairement être inscrites à la longue durée et sans remise en cause fréquente. Et l'essentiel des relations extérieures et de la sécurité relèvent de cette approche*'. Ibid.,

¹²⁸ When asked who looked after the areas in which Mitterrand had no particular interest after his departure from office, Cheysson replied '*les services*'.

¹²⁹ Cheysson confessed to having been greatly disappointed when his efforts to bring about a radical restructuring of the Foreign Ministry failed. He had wanted to increase the participation of heads of industry and other bodies in policy decisions involving France's external relations.

¹³⁰ See Roger Pinto's article entitled 'Les pouvoirs du Président de la République: diplomatie, défense nationale' in *Après-demain*, 271-2 (Feb-March 1985), 6-10.

¹³¹ Jacques Attali cited in Védérine, p.42.

¹³² This was wholly corroborated by Claude Cheysson who asserted that the Prime Minister played no part in foreign affairs.

¹³³ On 8 June 1978.

¹³⁴ Troops were ordered into Chad on 10 August 1983, but Mitterrand did not inform the cabinet of this until the 24 August 1983.

¹³⁵ Cohen, *La Monarchie nucléaire*, pp.153-5.

¹³⁶ This is certainly true of the decision to send French soldiers into Chad.

¹³⁷ Alistair Cole, 'François Mitterrand: an interpretation', *Modern and Contemporary France*, 1 (1994), 1-9 (p.2).

¹³⁸ July, p.174.

¹³⁹ Claude Cheysson. Interview with the author on 6 September 1999.

¹⁴⁰ 'C'est moi qui détermine la politique étrangère de la France, pas mes ministres. Il n'est pas concevable qu'une politique soit mise en œuvre sans mon accord, plus exactement sans mon impulsion'. François Mitterrand cited in Jean-Claude Pomonti, 'M. Mitterrand met en garde la Libye', *Le Monde*, 18 January 1983, pp.1 & 5.

¹⁴¹ See for example Paul Thibaud's article entitled 'L'absolutisme selon François Mitterrand', which appeared in *L'Histoire*, 184 (Jan 1995), 36-7.

¹⁴² Cohen, *La Monarchie nucléaire*, pp.42-3 & 70.

¹⁴³ Védérine, p.67. This was also an opinion expressed by Louis Mermaz, who told the author that Mitterrand could not tolerate sycophancy.

¹⁴⁴ This interpretation seems to be shared by Mitterrand, who conceded 'J'ai des courtians, pas de cour'. Interview with *Globe* magazine, March 1986, p.20-24.

¹⁴⁵ This term was used to refer to Mitterrand's closest friends and advisors whom he consulted privately each evening throughout the financial crisis in 1983.

¹⁴⁶ Cohen, 'Les hommes de l'Elysée', p.96.

¹⁴⁷ Jolyon Howorth, 'The President's Special Role in Foreign and Defence Policy' in *De Gaulle to Mitterrand: Presidential Power in France*, ed. by Jack Hayward, p.177.

¹⁴⁸ One thinks immediately of Jacques Attali, whom Cohen described as 'omnicompétent...Il a un droit d'évocation sur tout sujet'. Cohen, 'Les hommes de l'Elysée', p.96.

¹⁴⁹ Anne Stevens, 'The President and his Staff' in *De Gaulle to Mitterrand: Presidential Power in France*, ed. by Jack Hayward, pp.76-100.

¹⁵⁰ See for example Jean-Marie Colombani's article, 'La maladie de l'Elysée', which appeared in *Le Monde*, on 4 January 1985, p.5.

¹⁵¹ See Lorna Milne, 'The Myth of the President in French Political Culture' in *French Presidentialism and the Election of 1995*, ed. by John Gaffney & Lorna Milne (Aldershot: Ashgate, 1997), 24-41.

¹⁵² Ibid.,

¹⁵³ 'Les principes, les dogmes et les légitimités gaulloises s'imposent à tous'. See Alain Duhamel, *La politique imaginaire* (Paris: Flammarion, 1995), p.221.

¹⁵⁴ François Mitterrand, 31 December 1981. See Jean-Marie Colombani, '<<L'esquisse d'une société plus juste sera complétée en 1982>> promet M. Mitterrand', *Le Monde*, 2 January 1982, pp. 1 & 10.

¹⁵⁵ Ibid.,

¹⁵⁶ John Gaffney, 'From the République sociale to the République française' in *France during the Socialist Years* ed. by Gino Raymond (Aldershot: Dartmouth, 1994), pp.11-12.

¹⁵⁷ See for example Mitterrand's speech in Guéret on 3 May 1982 cited in Jean-Marie Colombani's article '<<Je remplis mon contrat, déclare le Président de la République' which appeared in *Le Monde* on 4 May 1982, p.10.

¹⁵⁸ Television appearance on TF1, 15 September 1983, cited in Gaffney, 'From the République sociale to the République française', p.12.

¹⁵⁹ Cited in *Le Monde*, 11 May 1995, p.XIV.

¹⁶⁰ 'Tout ce que je fais et qui vous paraît parfois si dur, n'est pas fait pour seulement pour traverser au mieux la crise mondiale: c'est essentiellement pour sauvegarder l'avenir de la France'. Speech in Lille, 25 April 1983 cited in 'M.Mitterrand: il n'y a pas de fatalité du déclin', *Le Monde*, 27 April 1983, p.8.

¹⁶¹ Interview in *Libération*, 10 May 1984, p.10-12.

¹⁶² Cited in Alain Rollat's article 'M. Mitterrand et la défense des libertés', *Le Monde*, 12 July 1984, p.1 & 8.

¹⁶³ Lille, 7 February 1986. See *L'Année politique 1982* (Paris: Ed. du Moniteur, 1983), p. 27.

¹⁶⁴ Speech in Picardie, 7 February 1982 cited in Wayne Northcutt, *Reinventing Socialist Discourse in an Evolving Political Culture: François Mitterrand*, in *The Language of Leadership in Contemporary France*, edited by Helen Drake & John Gaffney (Aldershot: Dartmouth, 1996), p.65.

¹⁶⁵ Milne, p.27.

¹⁶⁶ Speech in Limoges, 4 May 1982 cited in 'La visite du Président de la République en Limousin', *Le Monde*, 5 May 1982, p.10.

¹⁶⁷ Speech in Guéret, 3 May 1982 cited in Jean-Marie Colombani's article '<<Je remplis mon contrat>>, déclare le Président de la République' which appeared in *Le Monde* on 4 May 1982, p.10.

¹⁶⁸ Although it should be noted that this effect was temporarily neutralised by accusations of presidential involvement in the sinking of the Rainbow Warrior. See Wayne Northcutt, *Reinventing Socialist Discourse in an Evolving Political Culture: François Mitterrand* in *The Language of Leadership in Contemporary France*, ed. by Helen Drake & John Gaffney (Aldershot: Dartmouth, 1996), p.65.

¹⁶⁹ *Le Monde*, 2 January 1985. Ibid., p.67.

¹⁷⁰ Speech in Picardie, 7 February 1982. See Northcutt, p.65.

¹⁷¹ 'Seule l'histoire pourra dire, avec le recul du temps, la trace laissée par l'année qui s'achève'. New Year's Eve address 1981. See Jean-Marie Colombani, '<<L'esquisse d'une société plus juste sera complétée en 1982>> promet M. Mitterrand', *Le Monde*, 2 January 1982, pp. 1 & 10.

¹⁷² Extract from Mitterrand's speech in Crete cited in Jacques Almaric, 'M.Mitterrand s'est rendu en Crète pour rencontrer le colonel Kadhafi', *Le Monde*, 15 November 1984, pp.1 & 3.

¹⁷³ Extract from Mitterrand's television interview on 17 August 1982 which appeared in *Le Monde*, 19 May 1982, p.3.

¹⁷⁴ Extract from Mitterrand's television interview on Antenne 2, 16 November 1983, cited in 'M.Mitterrand explique sa politique à l'égard de l'Union soviétique', *Le Monde*, 17 November 1983, p.1.

¹⁷⁵ Cited in Jean-Yves Lhomeau & Philippe Boggio, 'M.Mitterrand en Alsace appel à l'unité nationale', *Le Monde*, 23 November 1983, pp.1 & 8.

¹⁷⁶ See *Le Monde*, 24 October 1984, p.7.

¹⁷⁷ Mitterrand countered these accusations by declaring that *la politique de la France est celle de la France et restera celle de la France*. Védrine, p.171.

¹⁷⁸ Northcutt, p.188.

¹⁷⁹ Ibid.,

¹⁸⁰ It is important to note that the President's ability to use foreign policy as a weapon of consensus was not always assured; compared with domestic issues like rising unemployment and inflation, foreign policy decisions seemed too far removed from daily reality to capture the public interest. As a result, even the most important presidential speeches abroad sometimes failed to detract significantly from national concerns, as shown by Mitterrand's speech to the Bundestag in January 1983.

¹⁸¹ François Mitterrand, 14 July 1985, cited in Alain Rollat's article entitled 'A la lettre', which appeared in *Le Monde*, on 16 July 1985, pp.1 & 7.

¹⁸² See 'Le temps est venu de mettre les choses au net', *Le Monde*, 5 April 1984, pp.1 & 7.

¹⁸³ 'Mon socialisme, c'est la recherche d'une vraie démocratie politique, économique et sociale'. Interview with *L'Expansion*, 15 November 1984.

¹⁸⁴ Speech in Mulhouse, 22 November 1984, cited in Jean-Yves Lhomeau & Philippe Boggio, 'M.Mitterrand en Alsace appel à l'unité nationale', *Le Monde*, 23 November 1983, pp.1 & 8.

¹⁸⁵ Gaffney, 'From the République sociale to the République française', p.23.

¹⁸⁶ C. Grémion, 'Decentralisation in France' in *The Mitterrand Experiment: Continuity and Change in Modern France*, p.260.

¹⁸⁷ J-M. Guéhenno, 'France and the Electronic Media' in *The Mitterrand Experiment: Continuity and Change in Modern France*, pp.278-285.

¹⁸⁸ Not least comments by former CSA President, Michèle Cotta, who stated in her memoirs that 'whoever is in power, the audio-visual structure is only the façade of ideological structure'. Cited in Friend, p.157.

¹⁸⁹ K. Dyson & K. Featherstone, 'EMU and presidential leadership under François Mitterrand', in *The Mitterrand Years: Legacy and Evaluation*, ed. by M. Maclean (Basingstoke: Macmillan, 1998), p.90.

¹⁹⁰ F. Edelmann & E. de Roux, 'Un président bâtisseur', *Le Monde*, 11 May 1995, p.XVI

¹⁹¹ Revel, pp.95-109.

¹⁹² J-C. Masclet, 'La fonction parlementaire sous la Cinquième République' in Zorgbibe, *François Mitterrand et la fonction présidentielle*, p.43.

Chapter 5

THE FIRST PERIOD OF COHABITATION (1986-88): A NEW EXPERIENCE OF PRESIDENTIAL POWER

'Pour sortir de ce labyrinthe [la cohabitation] il y a un fil d'Ariane, c'est la loi, c'est la Constitution. Avec ce fil d'Ariane-là, ne vous faites pas de soucis, je ne me perdrai pas'.

François Mitterrand, 7 February 1986¹.

Until 1986 the presence of a favourable parliamentary majority, which shared the broad political objectives of the President, had been a constant feature of the Fifth Republic. In this respect, the victory of the right-wing coalition in the legislative elections held in March that year represented a step into constitutionally unexplored territory.² The threat of so-called 'cohabitation' had been real enough in the run-up to the 1978 elections,³ giving rise to a wave of debates concerning the political and constitutional implications of such an arrangement. The sudden collapse of the Common Programme in 1977, however, sufficiently undermined the Left's campaign to ensure that this did not become an institutional reality for a further eight years. Yet it would seem that Mitterrand was somehow destined to experience 'cohabitation' - not as Prime Minister (as the leader of the Union of the Left, he would have been the logical choice for this post in 1978), but as the first left-wing President of the Fifth Republic. By 1986, it is true to say that the prospect of cohabitation was no longer perceived as a serious threat to the survival or long-term stability of the regime, as it had been during de Gaulle's presidency;⁴ not least because Mitterrand had declined to over-dramatise the consequences of an opposition victory by clearly stating his intention to see out the rest of his mandate regardless of the result, and to name a Prime Minister who reflected the newly-elected majority.⁵ Nevertheless, when this period of cohabitation, or 'co-existence' as Mitterrand preferred to call it,⁶ opened, many questions were raised as to how the new power-sharing arrangement would work in practice: would the Constitution prove flexible enough to accommodate this executive dyarchy? How much control (if any) would the President be able to retain over the State faced with an opposition government? And would this temporary

isolation from political decision-making have any lasting impact upon the nature of presidential power under the regime?

Some commentators have assumed that de Gaulle never envisaged cohabitation. This is not so: de Gaulle did foresee the possibility that the President could one day be stripped of his support in the National Assembly, and to suppose otherwise would be to seriously underestimate de Gaulle's understanding of his own Constitution.⁷ What he did not anticipate, however, was the effect that this institutional arrangement would have upon presidential power. Faced with a hostile government and parliamentary majority, de Gaulle claimed the Head of State would become '*paralysé*'.⁸ This was also a view shared by former Prime Minister, Raymond Barre, who denounced the prospect of cohabitation as a return to the submissive style of presidency that had characterised the Fourth Republic.⁹ In 1986, some of Mitterrand's opponents may have hoped to see this prediction come true, with the presidency reduced to little more than a ceremonial function. But Mitterrand had no intention of allowing this situation to result in a general loss of presidential authority and status within the regime. As the opening remark clearly shows, the President knew only too well that he had at his disposal, in the form of the Constitution, the most effective means of ensuring that he became neither powerless nor marginalised as a result of the Right's victory. It was this text, with which Mitterrand had what is perhaps most accurately described as an ambiguous relationship, that would prove to be his political lifeline between 1986 and 1988.

From the outset of cohabitation, Mitterrand appeared confident and in control. Far from showing signs of disappointment or disquiet at the news of the Left's defeat, there was almost an air of self-satisfaction about his first television appearance,¹⁰ in which he underlined the 'narrowness' of the right-wing victory.¹¹ Mitterrand soon made it clear that he had no intention of relinquishing any more power to Prime Minister Chirac and his team at Matignon than was constitutionally necessary, as illustrated by his frequently cited declaration before Parliament: '*la Constitution, rien que la Constitution, toute la Constitution!*'.¹² Although one cannot deny that the redistribution of prerogatives which occurred under cohabitation did allow the Chirac administration full control over domestic policy-making and implementation, it is widely

accepted that throughout the 27 month period the balance of power remained tipped in Mitterrand's favour. The 'symbolic' powers of the President as set out in article 5 enabled him to pose as an '*arbitre-juridique*',¹³ playing a discreetly censorial role as the nation's tribune, duty-bound to intervene should any government initiative threaten civil rights or endanger the so-called '*acquis sociaux*'. They also enabled Mitterrand to retain overall control of foreign affairs and defence, despite efforts by Chirac in the early stages of cohabitation to challenge presidential dominance over these areas. Mitterrand was able to exploit these dimensions to the presidential function in order to continue to build the image which he had begun to cultivate from 1984 onwards, that of the nation's protector above party divides, whose wisdom and clarity of vision gave him a quasi-sacred authority within the regime. The result was that unlike Jacques Chirac, who entered the presidential race in 1988 in the shadow of his performance as Prime Minister, Mitterrand was able to campaign for re-election on the basis of his popularity as the President who had guided France through the potentially stormy seas of cohabitation without rocking the boat.

Having opened with a discussion of the Constitution and the possible readings to which it gives rise, our study went on to trace François Mitterrand's evolving relationship to the institutions of the Fifth Republic from his rigid opposition in 1958 to his final reconciliation to the presidential practices of the regime after 1981. In this respect, it is fitting that we should conclude with an examination of cohabitation, since it brings our analysis full circle in two ways: firstly, by stripping the President of his parliamentary majority, this period promised to bring about a 'parliamentary' application of the Constitution,¹⁴ restoring the balance of power originally envisaged by the members of the CCC; secondly, it took Mitterrand back to the roots of his own early opposition to the regime when he too had favoured such a reading of the text, whereby the Prime Minister became the true head of executive power. Therefore, by studying Mitterrand's exercise of power under the constraints of cohabitation, we will not only gain a better understanding of the kind of presidency that might have emerged under the Fifth Republic had successive occupants of that office not succumbed to the temptation to dominate all areas of political decision-making, but we will also see just how capable

Mitterrand had become at manipulating the Constitution and public opinion to his advantage, so that throughout cohabitation his pre-eminence within the regime remained unchallenged.

In terms of public popularity, cohabitation marked the pinnacle of Mitterrand's political career – never again would he experience the levels of popular approval accorded to him between 1986 and 1988.¹⁵ There is more than a little irony in the fact that the victory of the Right brought about a renewal of public support for President Mitterrand, whilst Premier Chirac saw his popularity suffer at times as a result of unpopular government measures; a paradox which Emeri has referred to as the game of '*qui perd gagne*'.¹⁶ In the following analysis, we will seek to show how Mitterrand managed to attract public support for his leadership during cohabitation, despite being severely restricted in his ability to influence national affairs. Although on an internal level, cohabitation may have turned over executive power to the Prime Minister, on an external level, it favoured the revalorisation of the presidential function; it was this outward impression of authority which enabled Mitterrand to preserve his position at the top of the institutional hierarchy throughout the two years that this arrangement lasted. Whilst the minutiae of the constitutional issues arising from cohabitation have been comprehensively charted in other studies,¹⁷ our focus lies instead with the way in which Mitterrand strove (successfully) to create an image of power during this period, even when that power was not explicitly accorded to him by the Constitution. By exploiting the vagueness of those presidential responsibilities defined in article 5, the chapter will argue that Mitterrand carved out a mission for himself which not only maintained his pre-eminence within the regime, but produced a new kind of 'presidentialism', independent of parliamentary support, which relied increasingly upon the mystical aura which had developed around the Presidency.

5.1 The presidential mission

When Jacques Chirac commented that '*le 16 mars, François Mitterrand a perdu la plus grande part de cette licence monarchique*',¹⁸ he severely under-estimated the President's

ability to use his remaining constitutional powers both to disrupt the implementation of the government's programme and to undermine the Prime Minister. According to Mitterrand's interpretation of the presidential mission set out in article 5, he had two main roles to fulfil under cohabitation: '*d'assurer la continuité de l'Etat d'une part et, d'autre part d'être le garant de l'indépendance nationale*'.¹⁹ To these he added a third, which supposedly derived its justification from the Preamble and article 2 of the Constitution, that of the defender of republican values: '*Le Président doit veiller à l'application des grands principes sur lesquels se fonde la République indivisible, laïque, démocratique, sociale qui autorise toute croyance et qui doit respecter quiconque, quel que soit son origine ou sa race*'.²⁰ This represented an innovation in constitutional terms and experts have questioned the legal basis for such a claim.²¹ However, as guardian of the Constitution, the President had the power to impose his interpretation of the text. This made it difficult to challenge Mitterrand's understanding of the presidential mission since he alone had the right to judge exactly what the Constitution intended that mission to be. As Ardant notes, '*comment en effet le Président de la République pourrait-il prétendre faire respecter la Constitution s'il n'était habilité d'abord à dire ce qu'il impose?*'²² Together, Mitterrand claimed, these objectives would succeed in restoring the true nature of the President's '*fonction arbitrale*', which had remained unexplored since the beginning of the regime.²³ In the following discussion we will show how the President was able to use these three interlinked aspects of presidential '*arbitrage*' to influence government action and public opinion during cohabitation in such a way that he did not open himself up to sustainable accusations that his interventions were politically motivated. We will also examine the extent to which a number of conjunctural and political factors, not least the imminence of the 1988 presidential elections and the unprecedented nature of this institutional arrangement, favoured Mitterrand's exploitation of his constitutional prerogatives throughout this period, ensuring that, as predicted, he did not become '*un Président au rabais*'.²⁴

5.1.1 Refusals, reservations and reassurances: presidential intervention in national affairs under cohabitation

As one might expect from any Prime Minister whose government has a political life expectancy of only two years, Jacques Chirac set about executing his electoral programme without delay. In order to minimise the time needed for certain key projects to become law, the new Premier had warned Mitterrand that he intended to use the decree procedure (article 38), which required presidential countersignature, in addition to the usual parliamentary channels. Although, in principle, the President had raised no serious objections to the use of decrees as a means of speeding up the legislative process, he advised the Prime Minister that he would only accept a limited number and that, in accordance with his interpretation of article 13, he reserved the right to refuse his countersignature for any proposals which were not in the interests of national progress.²⁵ Less than one week after the new government had been formed, Mitterrand exercised this discretionary power for the first time, refusing to sign a decree which aimed to remove restrictions governing worker redundancies. This presidential veto was, in fact, a purely symbolic gesture since the government could still ensure that the project became law by re-introducing the bill into the National Assembly, and using article 49-3 to ensure that the majority rallied behind it. The existence of an alternative legislative procedure was an essential part of Mitterrand's strategy because it allowed him to defend his decision on the grounds that it did not prevent the government from implementing the reform. Yet if the political battle was ultimately won by the government,²⁶ the moral victory belonged to the President, who had successfully demonstrated his power to act as '*le juge supérieur de l'intérêt national*'.²⁷

The same may be said of the next confrontation, on Bastille Day 1986, when Mitterrand announced that he was not prepared to countersign the decrees to allow the privatisation of 65 nationalised industries. Two different reasons were given for this refusal: initially, Mitterrand declared that he had not received the necessary assurances that the proposed reform did not constitute an attack upon France's post-war social infrastructure, which he had a constitutional obligation to protect.²⁸ Following on from this notion of preserving the national heritage, the President soon began to argue that the sale of shares in these privatised companies to foreign investors represented a threat to French (economic) independence – a

move he could not be seen to condone.²⁹ Although the President's decision not to sign these decrees had been largely expected by government and public alike,³⁰ Camille Cabana, the minister responsible for privatisation under the Chirac administration, claims that there was a general reaction of astonishment amongst cabinet members as to the explanations given for this refusal. Instead of rejecting the decrees because they proposed to reverse some of the nationalisations carried out by his own government five years previously, Mitterrand justified his decision on the grounds that those nationalisations carried out between 1945-6 could not be evaluated in the same way as those which followed much later.³¹ As Cabana explained in a letter to the author: *'le Président Mitterrand se fit le défenseur déterminé des nationalisations opérées en 1945 par le gouvernement du général de Gaulle. Il semblait considérer que s'il pouvait se résigner à la mise en cause des nationalisations opérées sous son autorité à partir de 1981, celles de l'immédiat après guerre, en revanche, revêtaient un caractère sacralisé'*.³²

However paradoxical this reasoning may have seemed to Cabana and his colleagues in government, given Mitterrand's opposition to de Gaulle throughout his political career, it is nonetheless clear why the President chose to refer back to 1945 and not 1981 as a justification for his actions; to successfully project an image of neutrality in accordance with public expectations of his constitutional role under cohabitation, Mitterrand had to refrain from any action which could be interpreted as deliberate and politically-motivated presidential obstructionism. Had he chosen to defend his own programme of nationalisations, the President would have immediately opened himself up to accusations from the Right that he had not yet discarded his Socialist mantle. By posing as *'le gardien du temple et de l'héritage gaulliste'*, as Cabana puts it, Mitterrand was not only seen to *'appliquer la Constitution de bonne foi'*,³³ but he managed to successfully silence many of his potential critics on the Right, having drawn public attention to the fact that a Gaullist-led government was proposing to dismantle part of its own political heritage. One might also suggest that in establishing a link between his present mission and de Gaulle's past achievements, Mitterrand hoped to appropriate some of de Gaulle's quasi-legendary image as the champion of French grandeur.

Cabana remembers feeling equally surprised that Mitterrand should portray the proposed privatisations as the selling-off of French economic interests to foreign predators. He claims that the Right came to power in 1986 only to discover that the previous administration had been indulging in the illegal transfer of assets from nationalised companies to overseas investors throughout its five years in office. Some of these transactions had even become the object of legal procedures on the part of a trade union. In order to sort out this mess inherited from the Socialists, he asserts that the government was obliged to incorporate a special chapter into the privatisation decrees to '*régulariser les privatisations 'sauvages' d'un gouvernement de gauche attaquées par des actions judiciaires d'organisations de gauche*'. Therefore, when the President raised objections to the '*ordonnances*' in the Council of Ministers on the grounds that they eroded national independence, Cabana felt compelled to respectfully remind him that one aspect of the decrees aimed to rectify the '*violations délibérées et répétées de la légalité*' committed by members of his own government, who had clearly not regarded the prospect of foreign investment as a serious problem during their period in office. Although Lacouture notes that Cabana's spirited intervention enabled the majority to score a point against the President (which might explain why the Privatisation Minister recalls with amusement that Mitterrand listened to his comments '*d'un visage fermé, pour tout dire réprobateur*'),³⁴ it did not persuade him to alter his position. The President was no doubt aware that the Chirac government was unlikely to exploit these revelations as a means of undermining his objections; for in seeking to legalise these dubious practices, the Right risked being portrayed as a belated accomplice to the alleged violations.

Whether Mitterrand had the legal right to refuse his countersignature, which he did again regarding the reform of electoral districts and changes in working hours, is still an issue of debate.³⁵ In her study of the legal problems of cohabitation, Cohendet contends that Mitterrand did not have the power to veto government decrees once they had been drawn up, as his countersignature was not intended as an act of approval or disapproval, but was simply there to authenticate the outcome of government deliberations. In other words, Cohendet regards Mitterrand's role in this decision-making process as limited to his presidency of the Council of Ministers (article 9).³⁶ Colliard presents a more convincing argument in opposition

to that of Cohendet, stating that the whole principle of presidential countersignature would be meaningless if it did not carry some political force. Given that only specific acts are subject to this procedure, he maintains that this is not just '*la formalité qu'est la promulgation de la loi votée par les représentants*' but '*la manifestation de la légitimité qui donne à son acte sa force juridique*'.³⁷ Both Fournier and Duverger are also of the opinion that Mitterrand was within his constitutional rights to refuse to sign the privatisation decrees. For unlike article 10, which requires the President to promulgate all laws within a two-week period, article 13 does not stipulate any such time restriction - an omission which they see as a strong indication that the Head of State is under no obligation to sign.³⁸ Whilst the arguments presented above give us a brief flavour of the conflicting views on this subject,³⁹ none of them may be seen as providing a definitive interpretation of article 13. This lack of constitutional clarity was a key factor in allowing Mitterrand to seize upon this issue as an opportunity to mark his distance from the government. As Cabana correctly points out '*les textes n'étaient d'aucun secours, il n'y avait ni précédent, ni jurisprudence, ni voie de recours*',⁴⁰ consequently, Mitterrand was able to refuse his signature, safe in the knowledge that there was no higher authority than the presidency to decide whether this was, in fact, contrary to the 1958 text.

Nevertheless, some of Chirac's younger ministers did not wish to see the Premier give in to Mitterrand over the privatisation decrees. They viewed the President's public refusal as an opportunity to portray him as the instigator of an institutional crisis, which could have otherwise been avoided. To be fair to Premier Chirac, the risk involved in being the first to break up this constitutional arrangement, which the French had clearly wanted, was considerable. Had he resigned on 14 July, when Mitterrand announced his decision not to sign the '*ordonnances*', then he may have seriously damaged his political credibility prior to the forthcoming presidential election. In truth, neither Chirac nor Mitterrand could allow this experiment to fail through lack of mutual co-operation if they were to stand a good chance of winning in 1988. However, Chirac's situation was definitely the more delicate of the two because he had openly acknowledged his intention to stand for the presidency, whereas the incumbent Mitterrand was still refusing to be drawn into discussing the possibility of a second mandate, preferring to pose as the elder statesman free of personal ambition.⁴¹ This gave the

President a much greater margin of political manoeuvre under cohabitation than his opponent at Matignon, who had to work hard to prove his ability to see France through this period to appear a credible contender for the Elysée. Close advisors of the Prime Minister have argued that he made this task infinitely more difficult for himself when he backed down over this issue,⁴² since it set a precedent for the way in which the remaining 23 months of cohabitation would unfold - with Chirac being forced to bow to the supremacy of the President within the regime. This is ably illustrated by a comment Mitterrand made during a visit to the town of Istres the following year: *'le Président de la République fait ce qu'il veut, là où il veut quand il le veut'*.⁴³

Towards the end of cohabitation, Mitterrand grew even bolder in his use of the power of veto. One incident, in particular, which occurred in December 1987, shows the extent to which the President was prepared and able to hamper government action without fear of public condemnation, due to his increasingly popular image as national arbiter. It concerned the government's request for an extra session of Parliament to debate a bill that proposed to modify the statute of the car manufacturer Renault. Mitterrand flatly refused this demand and issued the following statement to justify his decision: *'Le gouvernement ne peut...ni décider la convocation d'une session extraordinaire, ni en fixer l'ordre du jour. Ces compétences relèvent de la seule responsabilité et de la seule appréciation du Président de la République'*.⁴⁴ As with the privatisation decrees, the constitutional basis for such a refusal was highly debatable, but this is not our primary concern. More relevant to our study of the way in which presidential image functioned under cohabitation is the fact that neither the public, nor the media commented upon the political transparency of Mitterrand's veto. In March 1960, de Gaulle had been the first to exercise this alleged prerogative by refusing an extra session of Parliament requested by the majority of *députés* in the National Assembly.⁴⁵ At the time this decision was widely condemned as unconstitutional and Mitterrand later cited it as a perfect illustration of de Gaulle's *'Coup d'Etat permanent'* in his publication of the same name. Far from denouncing Mitterrand for having contradicted his former stance, however, most journalists praised him for having *'rappelé ses prérogatives constitutionnelles'* in 1987.⁴⁶ Mitterrand had clearly been so successful in nurturing his image as constitutional guide that it

actually seemed to award him some kind of personal immunity from public and political scrutiny.

Arguably even more surprising was the compliance shown by the Prime Minister in the face of this refusal; instead of seizing upon the opportunity to exploit the inconsistency of Mitterrand's constitutional vision, Chirac politely acknowledged that the President's decision was *'parfaitement conforme à ses prérogatives présidentielles et je ne l'ai jamais contesté'*.⁴⁷ In reality, however, the Prime Minister's position was more complex than it seems, for he too had to take account of the way in which Mitterrand's image was not only serving as a weapon with which to impede government action, but also as a shield protecting him from criticism. From the start of cohabitation, Prime Minister Chirac had been forced to echo the President's view that political conflict would be avoided under cohabitation, if constitutional guidelines were properly adhered to. The underlying message behind such statements being that the text had not been properly respected since the beginning of the regime.⁴⁸ The problem for Chirac was that article 5 accorded Mitterrand the unique power to decide what the 'correct' interpretation of the text should be. In the light of his implicit admission that the Constitution had been consistently misinterpreted before 1986, the Prime Minister was left with little room to criticise the Head of State's motivation and justification for refusing an extra-session of Parliament. To have attacked this decision would have left the government open to accusations that it did not respect the strictly formal reading of the Constitution, which was supposedly being applied by Mitterrand. Political convention also had its part to play in determining Chirac's reaction to this veto; after all, how could a Gaullist Prime Minister challenge Mitterrand for simply exercising a prerogative, that had been originally claimed by de Gaulle? Chirac's potential for critique was, therefore, stymied by the combined force of two opposing notions: de Gaulle's established 'presidentialist' interpretation of the Constitution on the one hand, and the self-proclaimed faithful reading provided by Mitterrand on the other.

In addition to this capacity to complicate government action using the power of veto, President Mitterrand was able to hammer away at the government's reforms and Chirac's

political credibility by making known his reservations concerning specific projects. Once again he drew upon his presidential role as national arbiter above the party fray to justify these verbal interventions, which covered all areas of government decision-making from the proposed devaluation of the franc and the introduction of private prisons to immigration and audio-visual reforms.⁴⁹ Often these reservations formed part of the President's official press release, published after the weekly meeting of the Council of Ministers.⁵⁰ This was, for instance, how the public got to hear about Mitterrand's objections to the proposals of Justice Minister, Albin Chalandon, to tighten nationality controls on second generation immigrants living in France. As '*garant de la cohésion nationale*', part of Mitterrand's constitutional duty required him to intervene '*chaque fois qu'une décision pourrait nuire à l'unité des Français, pourrait apparaître injuste ou exclure du mouvement général une partie des Français...Je dois veiller à ce que les décisions du gouvernement ou de la majorité ne soient pas attentatoires à ce qu'il y a de sain, de bon et de nécessaire dans l'unité nationale*'.⁵¹ By registering his disapproval regarding this particular text on the grounds that the measures proposed risked contributing to the greater marginalisation of a segment of French society, Mitterrand succeeded in fulfilling this responsibility. Yet if the President commented readily on certain issues which were guaranteed to win him public approval, he was careful to avoid passing judgement on those benefiting from greater popular consensus. When the Right revealed the four aspects of its law and order reform, for example, there was a notable silence from the Elysée. Favier and Martin-Roland attribute this reserve to Mitterrand's appreciation of public attitudes towards this area of policy-making and the fact any criticism could have easily been turned against him by the government (as the reforms were recognised as considerably less repressive than anticipated).⁵² One might, therefore, refer to the President's strategy under cohabitation as one of selective intervention, which ensured that Mitterrand gleaned maximum effect from those specific reservations he did choose to make public.

Mitterrand's successful manipulation of the role accorded to him in article 5 also enabled him to exercise a more subtle, but equally effective influence over national politics by means of personal expressions of reassurance and understanding, which he extended to specific

groups in society whose interests were being threatened by the political objectives of the Chirac government. This task was rendered easier by the fact that he had been liberated from the heavy responsibility of managing domestic affairs in March 1986 and was free to tour the country meeting people, making speeches and generally promoting his new role as protector of the French and guardian of social harmony. It was also facilitated by government errors which, Louis Mermaz asserts, had the effect of rallying the public behind the President.⁵³ At times, Mitterrand's expressions of solidarity were independently motivated, such as when he publicly pledged his sympathy for GPs, who were complaining about their poor treatment as little more than foot soldiers within the medical profession.⁵⁴ More often than not, however, presidential reassurance was sought out directly by a group in the hope that Mitterrand's involvement would ultimately bring about a change of stance on the part of the government. This is true of the striking railwaymen who met the President in January 1987 to discuss their dispute. Rather than release a political statement which could be portrayed as unwarranted presidential meddling in government affairs, however, Mitterrand justified this meeting as part of his duty to maintain national unity: *'Ma porte est ouverte à tous les Français. Une main tendue est-ce mal pour la France? Le Président de la République n'a pas de compétence directe dans les conflits sociaux de ce type. Je ne me substitue pas au gouvernement'*.⁵⁵ This had the desired effect of rebuffing government accusations that he was involving himself unnecessarily in domestic affairs, whilst also strengthening his image as the supreme arbitrator in national conflicts.⁵⁶ It also created the impression that the President was willing to listen to the needs of the French in a way that the Prime Minister and government were not, the importance of which cannot be under-estimated in the light of the forthcoming presidential election.

Perhaps the most effective illustration of the extent to which the President's power had gathered a momentum of its own, requiring very little active promotion from the Head of State himself, is provided by the events which followed the government's announcement of its plans to review the entrance procedure for University education. The Devaquet reform, as it was known, provoked a national crisis which almost brought down the Chirac government. Mitterrand's active involvement in the conflict was actually limited to two very brief remarks

that he made regarding the proposed legislation on one day in November 1986, just as opposition to the reform was gaining in force. Whilst refraining from any explicit condemnation of the government's proposals, Mitterrand's comments were nonetheless couched in such a way as to be widely interpreted as an implicit declaration of solidarity with those teachers and students campaigning against the bill.⁵⁷ Although Mitterrand never intervened again in what quickly turned into the major political conflict of cohabitation, his initial remarks were all it took for him to become the protestors' political champion, transforming the anti-Devaquet movement into a mass demonstration of support for his leadership. Far from becoming the politically inert Head of State predicted by de Gaulle and Barre, Mitterrand had clearly constructed such a convincing image of power after only nine months of cohabitation that a couple of indirect verbal digs at the government carried enough moral authority to allow Mitterrand to seize upon public opposition to the project and exploit the existing wave of support for his return to executive decision-making.

Furthermore, when a young student, Malik Ousseline, was fatally injured in a clash with police during the conflict, Mitterrand paid a visit to the boy's family to express his condolences,⁵⁸ a gesture which won the President general public approval. By the time the Devaquet reform was scrapped, Chirac's popularity had fallen to 37%, whereas that of Mitterrand remained at a steady 53% of the electorate.⁵⁹ During the conflict the President sought to be all things to all people: to the left-wing electorate, he was the loyal leader in political isolation, to the young, he was the father-figure looking after their future interests, to the rest of the country, he had acted as emblem of stability and unity above party divides by declining to exploit the crisis (and more specifically the tragic death of Malik Ousseline) as a means of attacking the government. In this respect, it may be argued that Mitterrand's exercise of the 'symbolic' powers of article 5 lent him a dual image during the Devaquet crisis, which fulfilled the two apparently irreconcilable requirements of the presidential function – those of '*arbitrage et autorité*' – discussed in the opening chapter of our study.⁶⁰ This ability to meet the expectations of voters on both the Left and Right regarding the President's role within the regime was undoubtedly a decisive factor in securing Mitterrand's re-election to the Presidency in 1988.

5.1.2 Foreign Affairs and Defence: '*Plus ça change.....?*'

In the light of the results of the 1986 legislative elections, the fields of foreign and defence policy looked set to experience a significant transfer of power from the President to the Prime Minister. Due to the overlapping of certain constitutional prerogatives, namely articles 5, 15, 20 and 21, as well as the Premier's extensive list of State appointments, it seemed likely that cohabitation would bring about a new, and some argued accurate,⁶¹ reading of the Constitution, which would oblige the Head of State to surrender some control over the '*domaines réservés*' to a government that was no longer obliged to bow down to the tradition of presidential pre-eminence. Prior to the Right's victory, Mitterrand made clear his determination to retain control over these areas, warning the public that: '*s'il y avait confiscation de la politique extérieure, ce serait un coup d'Etat*',⁶² to which Chirac had swiftly replied '*on ne peut imaginer qu'un gouvernement issu d'une majorité voulue par le peuple n'ait pas en réalité le pouvoir d'assumer la politique sur laquelle cette majorité s'est engagée, notamment une politique étrangère et de défense*'.⁶³ Not only do these comments reveal a lot about the political tussles which lay ahead of these two individuals, but they also provide another example of the many paradoxes which characterised cohabitation: prior to 1981 few could have imagined that Mitterrand, former opponent of the presidentialist reading of the Constitution, which established such notions as the 'reserved sector', would become its defender,⁶⁴ fewer still could have anticipated a Gaullist Prime Minister being the first to actively challenge this constitutional convention only five years later.

At first, Mitterrand was slow to react to Chirac's struggle for influence in these areas. Polls conducted during the first few months of cohabitation had shown that the majority of the French electorate approved of the re-organisation of roles between President and Prime Minister. Mitterrand's initially conciliatory approach may, therefore, be partly explained by the fact that he could not attack Chirac for encroaching upon what he saw as his exclusive constitutional territory, as this would have risked enflaming public opinion.⁶⁵ Besides which, the presence of both the Head of State and the Prime Minister at the G7 summit in Tokyo in March and at the European summit at the Hague in June 1986, apart from causing some confusion regarding seating arrangements,⁶⁶ had not harmed France's international image -

the French executive having been seen to speak '*d'une seule voix*', to use Chirac's widely-quoted expression.⁶⁷ Many political commentators have agreed with Colombani's view that this period of 'co-operation', which lasted approximately three months, constituted the first act of the political drama that was cohabitation.⁶⁸ It might be more appropriately dubbed 'the calm before the storm', for it was soon followed by a prolonged period during which the President reasserted his exclusive right to determine foreign and defence policy, before eventually embarking upon a shorter spell of overt criticism of government action in these areas as the 1988 presidential election drew closer.

Having tolerated the Prime Minister's early attempts to remould foreign affairs and defence into areas of shared executive control, Mitterrand soon felt compelled to remind the public of his supreme authority over these dossiers, especially when Chirac began claiming responsibility for significant actions, such as the refusal to allow American planes on the way to bomb Tripoli to fly over France.⁶⁹ In this case, the President ensured that the Prime Minister's remarks did not go uncorrected, since they clearly undermined his unique responsibility as '*garant de l'indépendance nationale et de l'intégrité du territoire*' for any decision involving national security. Nevertheless, Mitterrand still declined to contradict Chirac personally, recruiting loyal supporters, such as Charles Hernu, to defend his version of the truth in newspaper and television interviews.⁷⁰ This was an effective tactic employed repeatedly by the President between 1986 and 1988 in order to avoid becoming directly involved in what could otherwise have been criticised as a political point-scoring exercise against the Prime Minister, which would have been in total contradiction to the non-partisan, harmonising role that he was purporting to fulfil under cohabitation.

From June 1986 onwards, Mitterrand was firmly on the offensive, seizing every opportunity to '*arrêter les tentatives de débordement (du Premier ministre) dans les domaines de la politique extérieure et de la défense*'.⁷¹ Given that Premier Chirac was seen to be playing an active role in these areas, representing the French at international summits (almost always alongside the President) and receiving foreign dignitaries at Matignon, Mitterrand's capacity to undermine the Prime Minister appeared fairly limited. Unlike Chirac, who was trying to break

with the traditional image of prime ministerial subordination, however, Mitterrand was able to draw upon the established convention of presidential dominance over these areas with maximum effect in order to portray Chirac's involvement as that of an executor of presidential decisions according to Fifth republican tradition: *'je ne me plains pas quand je vois le Premier ministre, comme le faisaient ses prédécesseurs, développer avec beaucoup de dynamisme la politique qui me convient'*.⁷² He maintained that his pre-eminence in international affairs remained unaffected by the change of government: *'les grandes orientations de la défense et de la diplomatie de la France sont celles que j'ai définies ou poursuivies depuis cinq ans et demi. Elles n'ont pas changé depuis le 16 mars'*.⁷³ Such statements helped to dispel any notion of the Premier's newfound autonomy in these areas, whilst successfully reinforcing Mitterrand's image as a symbol of continuity and authority. The President even managed to play upon the fears of the electorate to justify his sole responsibility for these dossiers, warning that any incoherence caused by government 'interference' might endanger public safety.⁷⁴ Following these remarks, Chirac did indeed begin to retreat a little, back to more familiar dossiers over which the President had no direct influence, aware that his efforts to stake a claim to joint control over international affairs were having little positive impact upon his popularity ratings at home.⁷⁵ Although Chirac may not have been constitutionally obliged to concede to Mitterrand's view of these areas as exclusively presidential domains, he did so out of political pragmatism, realising that his actions were beginning to be portrayed in a way that was damaging to his own image and to national interests as a whole.

In reality, Mitterrand did have to accept restrictions placed upon his ability to access data and to take independent initiatives by the arrival of a right-wing government. Without the support of a favourable parliamentary majority, the President could no longer dictate budgetary allocations to foreign affairs and defence; it may be argued that this factor alone brought about an important reduction in Mitterrand's control over decision-making in these areas. Furthermore, where the 'reserved sector' spilled over into domestic affairs, such as France's relations with the Middle East and the francophone African States, the President also saw his power of influence largely confined to infrequent consultations behind the scenes. During the negotiations to free the French hostages held in Iran, for example, Mitterrand had to send

over his own personal emissaries to Beirut and Damascus and recruit members of his team at the Elysée to discreetly obtain information about the state of affairs, since Mitterrand had chosen to keep him uninformed of day-to-day developments.⁷⁶ Whilst it is true that the President was probably only too willing to see the government saddled with the responsibility for such delicate and potentially explosive areas as New Caledonia and Iran, the fact remains that had he wanted greater control, it would have been at the government's discretion as to whether or not this request was granted. The amount of presidential criticism directed at aspects of Chirac's foreign policy during cohabitation bears out this assertion that the Head of State's scope of action within the '*domaines réservés*' was quite limited; his principal means of influencing the government was via verbal warnings and advice - justified using article 5 - in the same way as his interventions in domestic policy. Areas attracting presidential disapproval included government relations with Pretoria, its attitude towards the American Star Wars project and, perhaps most notable of all, Chirac's handling of the hostage crisis in New Caledonia. Yet if Mitterrand was able to make public his reservations concerning specific projects to try and turn national opinion against the government, this was not necessarily enough to dissuade Chirac from implementing his plans - as shown by the decision to forge ahead with the development of a 'light' ballistic missile against presidential wishes.⁷⁷ On occasions, Mitterrand was even presented with a *fait accompli*, such as when the government sent over French troops to help maintain public order in Gabon, without prior discussion with the Elysée.⁷⁸ The problem for the government was that such independent initiatives attracted little media attention, whereas the President's role as France's main representative at summit meetings and his assertions of autonomy over defence policy continued to be highly publicised, creating the impression that he remained firmly in control of these areas.

Political analysts differ greatly in their evaluation of the effect which cohabitation had upon the extent and nature of presidential power over foreign affairs and defence. Some, like Samy Cohen, contend that this period brought about a veritable power-sharing arrangement in these areas, with the President and the Prime Minister forced to find constant compromises to ensure that French interests never fell victim to an executive power struggle, which would

also have been politically damaging to both parties.⁷⁹ Anne-Marie Cohendet is amongst those who take the opposite view; she asserts that the first cohabitation provided the purest application of the principle of the '*domaines réservés*' that the Fifth Republic had ever seen, as the President no longer had any influence over domestic affairs and was truly confined to his reserved sector. Our own view stands somewhere between the two. For whilst we accept the findings of studies such as those of Favier and Martin-Roland and Lacouture, which point to a definite loss of presidential influence in these areas, we must also take into consideration the results of opinion polls taken at the time which strongly suggest that this was not a feeling shared by the majority of the French electorate, who continued to view the President as the decisive force in foreign affairs and defence.⁸⁰ Once again, this brings us back to our argument that Mitterrand's power under cohabitation derived less from his 'literal' constitutional prerogatives, than from the symbolic role accorded to him by article 5, which had been used by successive Presidents to justify their dominance of the '*domaines réservés*'. This is certainly the picture painted by Jean-Bernard Raimond, Minister for Foreign Affairs from 1986 to 1988, who wrote that '*le Président attachait une très grande importance à ses prérogatives dans les relations internationales et voulait marquer auprès de moi, dès le début de cette période de cohabitation, que c'était lui qui restait l'autorité suprême en matière de politique étrangère*'.⁸¹ Raimond attributes the fact no serious conflict arose between himself and the President, as a result of Mitterrand's desire to continue to dominate foreign affairs, to his experience as a diplomat which, he claims, fostered an atmosphere of co-operation and respect between the Quai d'Orsay and the Elysée from the beginning of cohabitation.⁸²

What we would argue, therefore, is that although the President's control over these areas did suffer as a result of the Right's victory in 1986, he did not have to let the public know that such a dilution of his power was taking place. His carefully chosen words and gestures gave the impression that nothing had really changed in these fields and they remained the President's special concern. Even Chirac's persistent presence at Mitterrand's side on the international stage did not redress the (im)balance; Conac rightly notes that it only served to reinforce the Prime Minister's image as an executor, in charge of handling press conferences

and closing summits, whilst the President took part in the more meaningful deliberations.⁸³ Chirac could almost certainly have mounted a more convincing challenge to expose the actual weakness of Mitterrand's position, but he declined to do so, restricted by his own presidential aspirations and public expectations that the President should retain overall control of these sectors. The Prime Minister was also frustrated in his efforts to challenge the Head of State's monopoly in foreign affairs and defence by the fact that they represent the areas of greatest political continuity;⁸⁴ this made it very difficult for Chirac to clearly stamp his mark on these areas as most of the government's objectives were indistinguishable from those of previous administrations. As a result, one must agree with Avril and Gicquel that Mitterrand was seen to retain the upper hand over the '*domaines réservés*' during cohabitation,⁸⁵ even if a re-distribution of power did occur behind the scenes. Paradoxically, the long-term impact of this was an increase in presidential control over defence and foreign affairs during Mitterrand's second term in office.⁸⁶

5.2 Président Mitterrand et '*la soumission tribunicienne*': when weakness becomes strength⁸⁷

'Ce qui compte ne sont pas les ressources dont un homme dispose réellement mais ce que les gens influents croient sur ce point'.

F.G. Bailey, *Les règles du jeu politique* (Paris: Presses Universitaires de France, 1971), p.254.

Our study so far has shown how Mitterrand was able to use the vague notion of the President's mission based on article 5 of the Constitution to carve out a unique role as supreme national judge, whose actions were motivated by a superior mission than that of the government. This not only enabled the President to retain his dominance of foreign and defence issues, but also justified strategic interventions in national affairs, thus ensuring that he did not become a figure in powerless isolation. It has been argued that Mitterrand's clever use of words and gestures attracted support across the electorate as voters recognised in him qualities which they expected the President of the Republic to embody: voters on the Left

approved of his use of vetos and verbal reprimands to hamper the action of the Chirac government (although they might have wished to see this activity stepped up), while those on the Right reacted positively to the amount of self-restraint shown by the President in allowing cohabitation to function relatively smoothly. Parodi refers to Mitterrand's position under cohabitation as one of tribenary submission. Whilst this expression may accurately reflect the political reality of the President's situation, it nonetheless creates the somewhat misleading impression that he was constitutionally subordinated to the Prime Minister and government during this period. We have shown that this was not, in fact, the case; thanks to his successful manipulation of his remaining prerogatives and certain conjunctural factors unique to this period, Mitterrand was arguably just as powerful between 1986 and 1988 as he had been for the first five years of his mandate, but in a different way. For instead of being based upon the presence of an overwhelming parliamentary majority, Mitterrand claimed that his power derived from a higher source, that of the Constitution. In this respect, one could contend that he was in a more advantageous position, since he no longer had to shoulder the responsibility for government policy, leaving him free to create a fresh image as France's guide, whose ability to rise above ideological divides bestowed upon him a moral authority surpassing that of any other body under the Fifth Republic.

The most important point highlighted by our discussion, therefore, is that presidential power during cohabitation was, to a significant extent, a question of image-making. In other words, Mitterrand's ability to continue to play a high-profile role in national and international affairs depended on how successful he was at convincing public and politicians alike that he still occupied a legitimate function within the regime and, more importantly, that he was not devoid of the means to fulfil his responsibilities effectively. The ambiguity of article 5 provided the key to this exercise. However, as we have already stated, Mitterrand had begun laying the foundations for his role under cohabitation during Fabius's premiership. The importance of this preparatory work in ensuring that the President's sudden loss of political power did not result in his complete marginalisation cannot be under-estimated. One aspect of these preparations involved his use of language and, in particular, his depiction of the presidency. In her study of Mitterrand's discourse from 1981-91, Dominique Labbé asserts that a renewal

of his vocabulary took place between January and April 1985, which did not appear to have been triggered by any events of that period.⁸⁸ The changes Labbé notes do, however, appear to relate to the kind of non-partisan role that the President ended up playing under cohabitation. She remarks, for example, that there was a conscious distancing of Mitterrand from the achievements of the Socialist government, a noticeable absence of the social and economic references which had been so prevalent in his early presidential discourse and a sudden preoccupation with the Constitution (as opposed to '*les institutions*' – de Gaulle's favourite euphemism for his presidentialist interpretation of the text). Perhaps the most interesting observation Labbé makes concerns the repeated references to de Gaulle, which started to appear in Mitterrand's discourse around this time.⁸⁹ He was clearly trying to establish a notion of political continuity between de Gaulle's occupancy of the presidency some twenty years previously and his own leadership of France since 1981. This would appear to add weight to our earlier suggestion that Mitterrand was enhancing his presidential status by means of association with de Gaulle's '*au-dessus de la mêlée*' style of leadership, and by demonstrating that he had remained faithful to the broad lines of foreign and defence policy established during the early years of the regime.

Two further elements characterised Mitterrand's preparations for cohabitation: the extension of the Head of State's list of appointments and the introduction of proportional representation for the 1986 legislative elections, both of which were tactical moves designed to provide the presidency with maximum protection in the event of the Left's defeat. By increasing the number of posts which he could nominate, the President ensured that he continued to be surrounded by faithful supporters throughout the State. The replacement of the double ballot majority vote with that of PR in 1985, allowed Mitterrand to limit the size and nature of the right-wing victory. Without such a measure, the RPR-UDF alliance would have secured a majority of over sixty seats in the National Assembly in March 1986, as opposed to the narrow two-seat victory that resulted from the proportional system.⁹⁰ Therefore, although PR did not stop the Left from losing these elections and merely masked what would otherwise have been a solid right-wing victory, it nonetheless prevented the Right from portraying the outcome as an overwhelming endorsement of its policies and, more importantly for Mitterrand, as a

massive disavowal of his leadership. This was crucial to the President's strategy under cohabitation; in order to be able to exploit article 5 with maximum effect, Mitterrand had to be able to convince the public that his position had not been undermined by the Socialist defeat and that his political legitimacy remained intact. PR not only provided an effective means of guaranteeing this result but, given that it had been one of the original 110 propositions, Mitterrand was able to justify its application as the realisation of another electoral pledge,⁹¹ rather than an example of deliberate political opportunism. Commentators, however, were not slow to point out the hollowness of this claim. The sudden decision to introduce PR in time for the 1986 parliamentary elections was no mere coincidence; it formed the basis of Mitterrand's successful development of his role under cohabitation.

Earlier in our discussion we asserted that the President was equally, if not more powerful under cohabitation, but that the nature of this power differed from that which he had enjoyed from 1981 to 1986. In the previous chapter, it was shown that Mitterrand's power during the first five years of his mandate derived from the massive Socialist presence in the National Assembly and his skilful appropriation of the presidential practices of his predecessors, which rendered him the primary source of executive policy-making. In this respect, we might refer to the President's power over this period as political and traditional in fifth republican terms. This changed under cohabitation; when the President lost his parliamentary majority, he was obliged to rely entirely upon the Constitution and, in particular article 5, to determine his role within the regime. As a result, his power between 1986 and 1988 may best be described as constitutional and symbolic. The advantage of this second type of presidentialism was that it allowed Mitterrand to promote the notion that he had a superior mission to fulfil, thus building up a mystical aura around his function. He depicted himself as the very lynchpin of national stability, able and willing to rise to the challenge of sacrificing his personal convictions for the greater good of the French people: *'Qu'est-ce que je cherche depuis six ans? Je cherche à éviter les crises inutiles, les crises graves que sont toujours les crises institutionnelles... Mon devoir est supérieur à mes propres convictions'*.⁹² One cannot help but be reminded of de Gaulle's old adage *'moi ou le chaos'*, when hearing Mitterrand's assertions that without his sense of responsibility and guidance, the country would be plunged into crisis as a result of

this new institutional arrangement: '*je n'ai pas souhaité cette situation politique, on s'en doute, je la vis et je la gère. J'ai voulu éviter une crise dont le pays aurait souffert. J'agis en conséquence*'.⁹³

Statements like those we have just cited imply that Mitterrand possessed unique, superior qualities, which bestowed upon him a higher authority than that of the government. For instance, the President's remark in February 1987 that '*je respecte le gouvernement mais plus encore les grands principes*' not only illustrates how Mitterrand set himself apart from other political actors within the regime in order to emphasise his special aptitude to safeguard French national heritage,⁹⁴ but it also contains the hidden message – '*le gouvernement ne respecte pas les grands principes*'. Thus, in one single phrase, Mitterrand succeeded in extolling his own virtuosity and institutional supremacy, whilst at the same time indirectly questioning the integrity or the legitimacy of the government, depending upon whether this lack of respect for republican values derived from intention or ignorance. Either way, such effective use of language enabled the President to create an impression that he was very much '*le maître de cette expérience*',⁹⁵ making it very difficult for those on the Right to criticise his interventions during cohabitation without fulfilling the irreverent role which Mitterrand had carved out for them. This negative image of the government and, more specifically, the Prime Minister, was also compounded by Mitterrand's refusal to refer to Chirac by name, preferring the more impersonal term 'Prime Minister', with its connotations of institutional subordination. The way in which Mitterrand used language to successfully to humiliate Chirac was no more evident than in the head to head television debate, which took place between the Premier and the Head of State, by then official presidential rivals, on 28 April 1988.⁹⁶ Throughout the entire discussion Mitterrand insisted on calling Chirac, *Monsieur le Premier ministre*. This was clearly designed to pigeonhole Chirac in his role under cohabitation (and during Giscard's septennate) so that the viewing public found it harder to envisage him as President. On the rare occasions when Mitterrand did pronounce his Premier's name during cohabitation, it was either to show disapproval - for instance, by associating Chirac with an unpopular decision or event – or to demonstrate how the government had come round to the

President's way of thinking.⁹⁷ Both options provided Mitterrand with an effective, yet subtle means of chipping away at Chirac's image and credibility.

5.3 Cohabitation: a new reading of the Constitution

Whilst the above observations show that Mitterrand was, in fact, still operating in a political way under cohabitation, surveys indicate that such manoeuvres were not consciously noted by the majority of the electorate;⁹⁸ the overall impression was that he was a figure capable of rising above political allegiances in order to oversee the smooth functioning of the regime. This interpretation of the presidential role, which was implemented by Mitterrand under cohabitation, bears an uncanny resemblance to that of the modern constitutional monarch identified in Francis Delpérée's analysis of '*la fonction du roi*'.⁹⁹ As the title of the study suggests, Delpérée asserts that the monarch typically performs three main functions within the regime: to authenticate, to represent and finally to symbolise. If we examine each of these roles in turn, clear parallels may be drawn with Mitterrand's exercise of power between 1986 and 1988. Firstly, the monarch does not have the power to make laws or political judgements, he merely approves government action (most frequently via countersignature) on the grounds that it conforms to constitutional guidelines. As we saw in our discussion of the '*crise des ordonnances*', this role as the '*notaire de la nation*' was readily assumed by Mitterrand, who was always prudent enough to provide constitutional justifications for his decisions. According to Delpérée, the second aspect of the monarch's official function is to represent the nation abroad since '*le roi est l'autorité publique qui assume le mieux, dans la continuité d'une personne...les engagements de l'Etat*'.¹⁰⁰ This was the principal reason given by Mitterrand for his continued domination of the areas of foreign and defence policy. Finally, the constitutional monarch has a symbolic duty as the supreme representative of the regime whose legitimacy is unquestioned. To fulfil this role, he must not be seen to support or undermine the government by making overt political statements, but present himself as a source of strength and continuity, independent of changes in electoral preferences, by directly addressing the nation, listening to the views of every group in society and mediating in

conflicts. Again, we have found examples of all three of these qualities in Mitterrand's occupancy of the presidency from 1986-88.

We would argue, therefore, that a new style of presidency emerged under the first cohabitation, one which was much closer to that originally envisaged by the members of the CCC, who had wanted the Head of State to occupy a more symbolic role as a permanent source of stability, unity and authority above party divides. This was the kind of moral authority which Mitterrand claimed derived from article 5. It enabled him to promote the mystical status of the presidency and, as a result, to create an image as a quasi-sacred figure whose position within the regime was unaffected by the trials and tribulations of day to day political life: *'C'est pour moi une grande force de savoir que je représente cette permanence devant l'Histoire'*.¹⁰¹ In our opening chapter we also noted how members of the CCC had received explicit assurances from de Gaulle and his advisors that the Prime Minister would become the true head of government; this was also achieved under cohabitation.¹⁰² For although Mitterrand did manage to slow down or indirectly influence the implementation of certain aspects of government policy, Premier Chirac nonetheless enjoyed an unprecedented level of independence from presidential interference during this period. Even the President's efforts to perpetuate the notion that international affairs and defence policy were his exclusive domains did not alter the fact that, behind the scenes, the Head of State was experiencing a definite loss of control over these areas. Mitterrand later claimed that the transfer of executive power in domestic policy-making from President to Prime Minister had already taken place during Fabius' spell at Matignon.¹⁰³ We would contend, however, that unlike Fabius's premiership, when Mitterrand's withdrawal from national affairs had been a deliberate and conscious choice designed to facilitate the creation of a less partisan personal image, his exclusion from this area between 1986 and 1988 was imposed upon him by the parliamentary reading of the Constitution which resulted from the Right's parliamentary victory. One might also add that whereas Mitterrand could have reclaimed control over domestic policy at any point whilst the Left was still in power, under cohabitation he was forced into a kind of obligatory political exile that could only come to end in the event of new Presidential elections. This was indeed the style of regime envisaged by the members of the

CCC. As the following remark clearly shows, even Michel Debré foresaw that cohabitation would bring about a significant revisitation of the 1958 Constitution: *'la qualité de nos institutions se vérifiera quand il y aura une majorité à l'Assemblée dont l'orientation politique sera différente de celle du chef de l'Etat'*.¹⁰⁴ It was only through a parliamentary interpretation of the Constitution, which Debré referred to as *'l'interprétation non-gaullienne'*,¹⁰⁵ that France would finally acquire a President whose power and status within the regime were more akin to those of a constitutional monarch.

5.4 Concluding remarks

Commentators such as Colliard have asserted that the parliamentary reading of the Constitution, which characterised the first period of cohabitation, brought about a substantial reduction in presidential power.¹⁰⁶ However, we have argued that the nature of the Head of State's power depends upon the interaction of a whole range of variables and will alter as a result of changes in the parliamentary majority and other circumstantial and personal factors. It would, therefore, be more accurate to say that during cohabitation Mitterrand experienced a reduction in his *political* power, but that he was able to fall back on his *symbolic* power in order to maintain his supremacy within the institutional hierarchy and his presence in national and international affairs. In other words, whatever political power Mitterrand lost as a result of the Left's parliamentary defeat in 1986, he more than made up for by exploiting the ambiguity of article 5 to conjure up an image of grandeur around his function. This led former critics of cohabitation to acknowledge that they had been wrong to predict that this period would seriously weaken the presidency; just over a year into the 'experiment', Raymond Barre admitted that *'la fonction (présidentielle) est moins entamée qu'elle aurait pu l'être'*.¹⁰⁷

In addition, we have argued that Mitterrand's interpretation of his presidential duties under cohabitation was significantly facilitated by a range of circumstantial factors, such as the forthcoming presidential election, the climate of national solidarity which resulted from the wave of terrorist attacks in France during 1986, the student protest movement, the railway strike and, it has also been suggested, a certain wariness on the part of the Chirac

administration to challenge Mitterrand's proven political dexterity. Yet it must be said that none of these elements would have been as beneficial to Mitterrand's exercise of power under cohabitation had it not been for article 5 of the Constitution and the President's skill in manipulating this to his distinct advantage. The presidential mission set out in article 5 even allowed Mitterrand to negotiate or claim an involvement in government affairs, which should no longer have been part of his constitutional role. Here we have highlighted another paradox of cohabitation: Mitterrand's loss of political power resulted in such an effective exploration of his symbolic constitutional prerogatives that it not only prevented the loss of presidential status within the regime, it also allowed Mitterrand to regain a degree of political influence. As a result, it is probably true to say that Mitterrand was slightly more involved in government affairs than members of the 1958 CCC would have liked. Yet this does not alter the fact that the first period of cohabitation represented the closest application of the parliamentary reading of the Constitution that the regime had seen. Thirty years after the Fifth Republic's official inauguration – a period which, we have seen, witnessed a constant decline in the importance of constitutional guidelines in defining the presidential role - the 1958 Constitution received renewed scrutiny and recognition as the fundamental operative variable determining the extent and limits of presidential power under the regime.

Notes to Chapter 5

¹ François Mitterrand cited in *L'Année politique 1986* (Paris: Ed. du Moniteur, 1987), p.27.

² In the 1986 legislative elections, the right-wing coalition (RPR-UDF) won a majority of 274 seats, or 288 seats if we include the '*députés*' of <<divers droite>> parties. The PS maintained its position as the largest single party in the National Assembly, but with only 215 seats (a loss of 70 compared with June 1981) it could not retain control of government.

³ The term '*cohabitation*' was first used by Giscard d'Estaing. See Jean Gicquel, 'De la cohabitation', *Pouvoirs*, 49 (1989), 69-79 (p.69).

⁴ With the obvious exception of Raymond Barre, who remained cohabitation's most vociferous opponent.

⁵ See for example François Mitterrand's comments when he appeared on television on 2 March 1983 in Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle française (16 Jan – 30 April 1986)', *Pouvoirs*, 38 (1986), 159-197 (pp.159-60).

⁶ See François Mitterrand's interview in *Le Point* on 10 November 1986, p.55.

⁷ In 1967 when the Gaullists narrowly won the legislative elections, de Gaulle is said to have quipped '*Domage, cela aurait été amusant de voir comment on peut gouverner avec la Constitution!*' A. Teyssier, *La Cinquième République de de Gaulle à Chirac* (Paris: Pygmalion, 1995), p.409.

⁸ *Ibid.*, p.378.

⁹ '*Pour moi qui ai connu l'impuissance de la Quatrième République et qui ai servi les Présidents de la Cinquième République, il n'y a pas de danger plus grand pour l'avenir de la France que le retour à une conception du fonctionnement des institutions qui aboutirait à l'effacement du Président de la République et au retour au néfaste régime des partis*'. Raymond Barre cited in 'Quand le Président a la confiance du pays, il ne perd pas les élections législatives', *Le Monde*, 29 January 1986, p.8.

¹⁰ This sentiment is shared by Foreign Minister, Jean-Bernard Raimond, who remarked that, unlike the period preceding the Left's defeat when Mitterrand appeared fed-up and demotivated, the beginning of cohabitation witnessed '*une reprise de tout son dynamisme*'. See Jean-Bernard Raimond, *Le Quai d'Orsay à l'épreuve de la cohabitation* (Paris: Flammarion, 1985), p.30.

¹¹ '*Vous avez élu dimanche une majorité nouvelle de députés à l'Assemblée nationale. Cette majorité est faible numériquement mais elle existe. C'est donc dans ses rangs que j'appellerai demain la personnalité que j'aurai choisie pour former le Gouvernement selon article 8 de la Constitution*'. François Mitterrand, television appearance on 17 March 1986 cited in Avril & Gicquel, 'Chronique constitutionnelle française (16 Jan – 30 April 1986)', p.160.

¹² This statement formed part of a presidential message read out before Parliament on 8 April 1986.

¹³ P. Pactet, 'Président socialiste ou Président de tous les Français?' in *François Mitterrand et la fonction présidentielle*, p.30.

¹⁴ George Vedel, 'Variations et cohabitations', *Pouvoirs*, (83) 1997, 101-129.

¹⁵ See Jean-Luc Parodi, 'La France de la cohabitation: profil de l'année politique (1986-87)', *Pouvoirs*, 44 (1988), 167-178.

¹⁶ Claude Emeri, 'De l'irresponsabilité présidentielle', *Pouvoirs*, 41 (1987), 133-150 (p.145).

¹⁷ For an analysis of the legal problems of cohabitation see Marie-Anne Cohendet, *La cohabitation: leçons d'une expérience* (Paris: Presses Universitaires de France, 1993) and François Luchaire & Gérard Conac, *Le droit constitutionnel de la cohabitation* (Paris: Economica, 1989).

¹⁸ Jean-Marie Colombani & Yves Lhomeau, *Le Mariage blanc* (Paris: Grasset, 1986), p.101.

¹⁹ Extract from François Mitterrand's television interview on the programme 7 sur 7, 29 March 1987. Cited in Jean-Yves Lhomeau, 'Le chapeau de M. Mitterrand', *Le Monde*, 30 March 1987, pp. 1 & 6.

²⁰ Ibid.,

²¹ In particular, see Cohendet, p.241.

²² Pierre Ardant, 'L'Article 5 et la fonction présidentielle', p.41.

²³ François Mitterrand speech at Solutr  on 18 May 1986 cited in Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle fran aise (1 May – 30 June 1986)', *Pouvoirs*, 39 (1986), 159-175, (p.171).

²⁴ François Mitterrand, television interview on TF1, 1 March 1986, cited in Jean-Yves Lhomeau, 'La partition de M.Mitterrand', *Le Monde*, 2 March 1986, pp.1 & 8.

²⁵ Giesbert, *Le Pr sident*, p.281.

²⁶ The text was eventually passed in Parliament on 8 June 1986, without recourse to article 49-3. See Favier & Martin-Roland, *La D cennie Mitterrand II*, p.510.

²⁷ Didier Maus, *Les Grands Textes de la pratique institutionnelle de la Cinqui me R publique*, p.5.

²⁸ In an interview with *Le Monde* on 10 June 1986, Mitterrand asserted that as a result of the preamble to the 1946 Constitution (which had been integrated into that of the Fifth Republic), he had a constitutional right to protect certain 'acquis sociaux' including the Auroux laws, national education and the social security system. See also Michel Hajman, 'Certains <<acquis>> mis   l'abri', *Le Monde*, 10 April 1986, p.6.

²⁹ In a television interview the same day, Mitterrand declared 'J'ai une responsabilit  suppl mentaire. Je suis non seulement charg  de veiller au respect de la Constitution, mais au regard d'un certain nombre de donn es et qui impliquent, en particulier, que je dois  tre le garant de l'ind pendance nationale. Je ne peux donc accepter que ces biens qui appartiennent   la nation....on puisse les retrouver dans les mains d' trangers [...]. Mon devoir, c'est d'assurer l'ind pendance nationale, de faire pr valoir l'int r t national'. Cited in Avril & Gicquel, 'Chronique constitutionnelle fran aise (16 Jan – 30 April 1986)', p.191.

³⁰ According to Giesbert, *Le Président*, (p.507), Premier Chirac claimed that Mitterrand had assured him he would sign the privatisation decrees during their first private meeting in March 1986. In reality, however, the President had been clearly indicating since December 1985 that he was unlikely to sign. See *L'Année politique 1984* (Paris: Editions du Moniteur, 1985), p.79.

³¹ 'Il y a un point limite. On ne peut acheter à l'Etat dans des conditions qui ne correspondraient pas aux conditions lorsqu'on a vendu à l'Etat. C'est une des raisons de refuser de signer des ordonnances qui concerneraient les nationalisations d'avant 1981, surtout de la période 1945-6, en particulier parce qu'il n'y avait pas eu de règles d'évaluation'. Extract from François Mitterrand's speech at Solutr , 18 May 1986, cited in Alain Rollat, 'M.Mitterrand se pose en <<arbitre>> mais n'exclut pas sa d mission', *Le Monde*, 19 May 1986, p.20.

³² Letter from Camille Cabana to the author dated 29 June 1999.

³³ Michel Troper, 'La signature des ordonnances', *Pouvoirs*, 41 (1987), 75-91(p.90).

³⁴ Lacouture, *Mitterrand, une histoire de Fran ais 2*, p.246.

³⁵ In the case of proposed changes to constituency boundaries, presidential opposition was surmounted by transforming the decree into a law, which was then voted by Parliament. In order to pass his proposed reform of working hours and practices, Chirac changed his decree into an amendment which was rejected by the Constitutional Council (23 January 1981) because the proposed changes were too extensive for a mere amendment.

³⁶ Cohendet, p.168.

³⁷ Jean-Claude Colliard, 'Que peut le Pr sident?', *Pouvoirs*, 68 (1993), 15-29 (p.25).

³⁸ See Fournier, p.67.

³⁹ The most comprehensive analysis of the varying interpretations of the '*crise des ordonnances*' is provided by Troper in *Pouvoirs*, 41 (1987).

⁴⁰ Private correspondence with Camille Cabana on 29 June 1999.

⁴¹ See Fran ois Mitterrand's speech at Caylus, 13 October 1986 cited in Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle fran aise (2 Oct – 31 Dec 1986)', *Pouvoirs*, 41 (1987), 201-226, (p.217).

⁴² For example the prime ministerial spokesman M. Badouin, his diplomatic advisor, M.Bujon de l'Estaing and Edouard Balladur, who was Chirac's right-hand man throughout cohabitation. See Gicquel, 'De la cohabitation', p.79 - footnote 29.

⁴³ Fran ois Mitterrand cited in *Le Monde*, 20 August 1987. See *L'Ann e politique 1987* (Paris: Ed. du Moniteur, 1988), p.192.

⁴⁴ Fran ois Mitterrand, 16 December 1987. See *Le Monde*, 17 December 1987, p.4.

⁴⁵ The letters exchanged between the President of the Republic and the President of the National Assembly concerning this incident are found in Maus, *Les Grands Textes de la Pratique institutionnelle de la Cinqui me R publique*, pp.132-3.

⁴⁶ *Le Matin*, 17 December 1987 cited in Cohendet, p.203.

⁴⁷ Extract from Jacques Chirac's radio interview, 20 December 1987, cited in 'M.Jacques Chirac renonce dans l'immédiat à la réforme du statut de Renault', *Le Monde*, 22 December 1987, p.6.

⁴⁸ 'Les règles de notre Constitution doivent être respectées'. Jacques Chirac cited in *Le Monde*, 20 March 1986, p.4.

⁴⁹ Gicquel, 'De la cohabitation', p.73.

⁵⁰ Fournier, pp.66-7.

⁵¹ François Mitterrand's speech at Solutré on 18 May 1986. See Alain Rollat, 'M.Mitterrand se pose en <<arbitre>> mais n'exclut pas sa démission', *Le Monde*, 19 May 1986, p.20.

⁵² Favier & Martin-Roland, *La Décennie Mitterrand II*, p.571.

⁵³ Author's interview with Louis Mermaz on 6 July 1999.

⁵⁴ As reported in *Le Monde*, 15 May 1987, p.8.

⁵⁵ *Le Monde*, 8 January 1987. See *Pouvoirs*, 42 (1987), p.188.

⁵⁶ According to the results of an opinion poll conducted by SOFRES, which appeared in *Le Figaro* on the 13 January 1987, 58% of people agreed that Mitterrand had been right to meet the railwaymen in order to 'open the dialogue' which might lead to the resolution of the dispute.

⁵⁷ Mitterrand's comments are quoted in full by Favier and Martin-Roland, *La Décennie Mitterrand II*, pp.598-9.

⁵⁸ Malik Ousseline was killed on 5 December 1986. His death sparked a wave of violent clashes with police.

⁵⁹ Parodi, 'La France de la cohabitation', pp.170-3.

⁶⁰ François Mitterrand, 'Sur les Institutions', *Pouvoirs* 45 (1988), 132-139.

⁶¹ See, for example, Pierre Ardant's article, 'L'article 5 et la fonction présidentielle', in which he argues that the Constitution does not award the President ultimate control over foreign affairs and defence since this is the role of the government.

⁶² Cited in Nay, *Les Sept Mitterrand*, p.184.

⁶³ Jacques Chirac, 21 July 1985. Cited in 'M.Chirac: <<pas le moindre compromis>>', *Le Monde*, 23 July 1985, p.6.

⁶⁴ As we saw in the previous chapter, Mitterrand claimed to reject the idea of '*domaines réservés*', he maintained that presidential dominance over foreign affairs and defence policy did not derive from any institutional tradition, but from the legitimate powers accorded to the Head of State by the Constitution. Whatever the justification, however, the fact remains that Mitterrand did not break with the practices of his predecessors in these areas.

⁶⁵ In April 1986, 71% of the electorate hoped that cohabitation would last until the next presidential election. By September 1986 this figure had risen to 79%. Questioned as to whether they viewed cohabitation as a positive experience for France, over half (56%) said that they did. *SOFRES L'Etat de l'opinion* (Paris: Seuil, 1987), p.63.

⁶⁶ For a fuller account of this incident see Nay, *Les Sept Mitterrand*, p.226.

⁶⁷ Gicquel, 'De la cohabitation', p.75.

⁶⁸ Jean-Marie Colombani, 'Cohabitation, acte III', *Le Monde*, 30 October 1986, pp.1 & 6.

⁶⁹ 'Sur cette décision que j'aie prise, le Président a eu la même réaction que moi'. Jacques Chirac, 23 April 1987, *L'Heure du vérité*.

⁷⁰ Colombani & Lhomeau, pp.136-7.

⁷¹ François Mitterrand, 'Sur les Institutions', p.134.

⁷² Extract from François Mitterrand's interview with *Le Point*, 10 November 1986 cited in Avril, 'L'Article 5 et la fonction présidentielle', p.61.

⁷³ Ibid.,

⁷⁴ 'En de telles matières, il n'y a pas, il ne peut y avoir de blocage'. François Mitterrand, interview in *L'Yonne républicain*, 21 November 1986 cited in Avril & Gicquel, 'Chronique constitutionnelle française (2 Oct – 31 Dec 1986)', *Pouvoirs*, 41 (1987) 201-226 (p.218).

⁷⁵ F. Almaric, 'Chirac délivré du sortilège Mitterrand', *Libération*, 8 May 1995, p.11

⁷⁶ Favier & Martin-Roland, *La Décennie Mitterrand II*, p.681.

⁷⁷ Nay, *Les Sept Mitterrand*, p.201.

⁷⁸ Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle française (1 Oct – 31 Dec 1987)', *Pouvoirs*, 45 (1988), 169-201, (p.178).

⁷⁹ Samy Cohen, 'Deux années de cohabitation en politique étrangère', *Le Monde*, 30 March 1988, p.1 & 4.

⁸⁰ A SOFRES poll conducted in 1988 regarding the division of political responsibilities between Chirac and Mitterrand under cohabitation, showed that 73% of people considered the President to be France's legitimate representative abroad, whilst 66% said he was the principal national negotiator with foreign governments and Heads of State. In terms of decision-making in these areas, 56% accorded the President pre-eminence over foreign policy, 61% over defence policy. *SOFRES, L'Etat de l'opinion* (Paris; Seuil, 1988), p.107.

⁸¹ Raimond, p.44.

⁸² Ibid., p.120.

⁸³ Luchaire & Conac, p.240.

⁸⁴ This is borne out by the experiences of Jean-Bernard Raimond, Foreign Affairs Minister between 1986 and 1988, as recounted in his book *Le Quai d'Orsay à l'épreuve de la cohabitation*, p.200.

⁸⁵ Avril & Gicquel, 'Chronique constitutionnelle française (16 Jan – 30 April 1986)', p.192.

⁸⁶ Howorth argues that the Prime Minister's efforts to transfer power from the Elysée to Matignon under cohabitation, ended the co-operative relationship which had existed between different centres responsible for these areas (Ministry, Elysée, General Staff). Some have argued that this relationship was never re-established allowing the President to take everything in hand from 1988 onwards. Howorth, p.162 and also Thierry de Beauce, 'Le quai dépossédé', *Le Monde*, 5 September 1987, p.2.

⁸⁷ This expression is used by Jean-Luc Parodi to describe Mitterrand's role under cohabitation. See Parodi, 'La France de la cohabitation', pp.167-178.

⁸⁸ Dominique Labbé, *Le Vocabulaire de François Mitterrand* (Paris: Presses de la fondation nationale des sciences politiques, 1991), p.175.

⁸⁹ Ibid., p.165.

⁹⁰ O. Duhamel, & E. Dupoirier, 'Les leçons du 16 mars', *L'Express*, 21-27 March 1986, pp.32-38.

⁹¹ In this respect it is worth noting this statement concerning the political implications of voting systems, which formed part of a speech made by Mitterrand before UDSR members in 1950: '*Je n'y mets point d'éléments de doctrine. Le mode de scrutin que je choisis doit résulter d'une option politique [...]. En effet il y a un certain nombre de points qui nécessitent cette option. D'abord, quel est l'intérêt de la Nation? Ensuite, quel est l'intérêt de la majorité à laquelle j'appartiens? Enfin, quel est l'intérêt du parti auquel j'adhère? Et c'est quand j'aurai répondu à ces questions que je déterminerai mon choix*'. Cited in *Pouvoirs*, 32 (1985), 199-214, (p.95).

⁹² François Mitterrand, television appearance on Bastille Day 1987. See Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle française (1 July – 30 Sept 1987)', *Pouvoirs*, 44 (1988), 179-196 (p.192).

⁹³ See Pierre Avril & Jean Gicquel, 'Chronique constitutionnelle française (1 Jan – 30 April 1987)', *Pouvoirs*, 42 (1987), 169-194 (p.189).

⁹⁴ See Alain Rollat, 'M.Mitterrand accuse M. Toubon de <<favoriser l'extrême droit>>', *Le Monde*, 22 –23 February 1987, p.6.

⁹⁵ François Mitterrand speech at Solutré, 18 May 1986. See Alain Rollat, 'M.Mitterrand se pose en <<arbitre>> mais n'exclut pas sa démission', *Le Monde*, 19 May 1986, p.20.

⁹⁶ See Favier & Martin-Roland, *La Décennie Mitterrand II*, p.737.

⁹⁷ Labbé found that Mitterrand pronounced Chirac's name only 24 times during the two years of cohabitation, whereas the purely functional term, Prime Minister, was used on 92 occasions (p.172).

⁹⁸ This view is supported by Parodi's analysis of opinion poll findings during this period, which show that much of Mitterrand's support derived from right-wing voters' satisfaction with his inaction and political neutrality between 1986-88. See Parodi, 'La France de la cohabitation', pp.167-178.

⁹⁹ François Delpérée, 'La fonction du roi', *Pouvoirs*, 78 (1996), 43-54.

¹⁰⁰ Ibid., p.48.

¹⁰¹ Cited in Avril & Gicquel, 'Chronique constitutionnelle française (1 July – 30 Sept 1987)', p.193.

¹⁰² See debate between Michel Debré and François Mitterrand, 'L'exercice du pouvoir' in *Pouvoirs*, 9 (1979), 89-94 (p.91).

¹⁰³ Mitterrand, 'Sur les Institutions', p.132.

¹⁰⁴ Debré, 'L'exercice du pouvoir', p.93.

¹⁰⁵ Cited by Cohendet, p.65.

¹⁰⁶ Colliard, 'Que peut le Président?', p.29.

¹⁰⁷ See 'Les déclarations de M. Barre à Europe 1, *Le Monde*, 3 June 1987, p.8.

CONCLUSION

The foregoing discussion has attempted to examine the origins and evolution of presidentialism under the Fifth Republic through an analysis of two key phases in the development of the modern French presidency: namely, the 'Gaullist constitutional' phase from 1958-69 and the 'socialist consolidation' phase from 1981-88. By exploring the different variables which determine the level and scope of power available to the President at any given point in time, our study has sought to show that presidentialism is a highly flexible notion which is subject to a range of interpretations and manifestations.

We have identified four main variables which shape the exercise of power under the Fifth Republic. The most important of these variables, we have argued, is the Constitution. In particular, it is the vague definition of the President's symbolic powers set out in article 5, together with the introduction of universal suffrage in 1962, which have allowed successive Heads of State to justify their own personal interpretations of the presidential role. We have also seen how the inherent ambiguity of some aspects of the constitutional text lends presidentialism an enduring flexibility, which enables the President to adapt his exercise of power in order to exploit additional resources available to him as a means of enhancing his authority within the regime. In this way, the Constitution provides the Head of State with a basic operative framework of power that may be elastically stretched by means of supplementary political, personal and conjunctural variables, but which will return to its 'natural' state for the next occupant of the presidential office.

The centrality of the Constitution as a reference point for presidential action was particularly evident at the start of the regime, as politicians and public alike observed the extent to which de Gaulle's exercise of power could be related back to constitutional guidelines. However, as we saw in our opening chapter, it soon became apparent that the Constitution had failed to provide a single, clear definition of the presidential role and, as a consequence, its effectiveness as a means of predicting and controlling presidential action was undermined,

and its importance seemed to diminish. This effect was compounded by de Gaulle's willingness to openly flout certain unambiguous guidelines when it suited, setting a tempting precedent for his successors to the Elysée. In fact, it was not until the Left lost the parliamentary elections in 1986 that the Constitution received renewed attention as Mitterrand sought to constantly justify his actions and to criticise those of the Chirac administration by referring back to the 1958 text. This strategy proved extremely beneficial both for Mitterrand personally and for the public image of the presidency, which had suffered after years of highly interventionist leadership under successive Heads of State. The experience of cohabitation served as a reminder that the President could fulfil a more symbolic function above the party fray, and subsequent experiences of political cohabitation have shown that electoral support for this interpretation of the presidential role is far from lacking.

The experience of cohabitation also highlighted the importance of political variables in shaping the nature and limits of presidential power. Following the Left's defeat in the 1986 legislative elections, Mitterrand found himself without the backing of a left-wing majority in the National Assembly. In chapter 5, we examined how this change impacted upon the nature of the presidential role and the scope of Mitterrand's power, forcing him to adopt a position above the party fray as national guide and defender of the Constitution. Whilst this role gave Mitterrand limited scope for intervention in government policy-making and domestic affairs, it did not render him powerless; rather it enabled him to explore a new form of presidential power, which was independent of political affiliations, highly personalised and symbolic. It allowed Mitterrand to lay claim to a kind of moral superiority within the regime reminiscent of the kind of historical legitimacy that had been a feature of de Gaulle's presidential leadership.

In chapter 3, we also saw how the size and composition of the parliamentary majority impinged upon President Giscard's scope of action after he lost the guaranteed support of the Gaullist majority in 1976. Whilst this did not prevent Giscard from directing government decision-making, it certainly affected his ability to ensure that his policies received parliamentary backing. To compensate for this loss of political authority, Giscard began to rely increasingly on the more monarchical aspects of the presidential role as a means of

bolstering his authority. Unlike Mitterrand under cohabitation, however, Giscard's lofty comportment sat uneasily with this earlier image of dynamism and, in this respect, it was portrayed negatively as a '*dérive monarchique*', as opposed to Mitterrand's ascent to Olympian heights during the first period of cohabitation.

If party political support was not immediately perceived as a key presidential resource at the founding of the regime this was due to de Gaulle's well-known disdain for the party system and his reluctance to directly acknowledge the role played by the Gaullist Federation in facilitating both his return to and exercise of power. For although the Gaullist party itself successfully completed the transition from a rally of personalised support for de Gaulle into a party of government, de Gaulle's historic persona enabled him to underplay its importance in determining the scope of political power available to the Head of State.

Following de Gaulle's resignation, however, party political support emerged clearly as a key aspect of presidential power, since his successors could not lay claim to a special historic legitimacy as a means of justifying their actions; to secure the presidency, any contender had to be able to unite a political majority behind his candidature. In the case of George Pompidou this posed no difficulty as he inherited the overwhelming Gaullist majority returned in the 1968 parliamentary elections. Valéry Giscard d'Estaing's position, however, was less secure because he owed his election to a coalition of political forces, the largest of which was the Gaullist party.

The importance of political factors in determining presidential power was never more evident than during the first five years of the Mitterrand presidency. As leader of the PS and the Left's presidential candidate throughout the 1970s, Mitterrand's election in 1981 was inextricably linked to the implementation of a detailed programme of reforms, which had received the backing of the Socialist Party. With the support of an overwhelming 'presidential' majority in the National Assembly, Mitterrand was undoubtedly the most politically powerful President the Fifth Republic had ever seen. However, as we noted in chapter 4, the extent to which Mitterrand's presidential power was dependent upon political variables between 1981-5

meant that the success or failure of government policies had a direct impact upon his power base. Hence when socialist economic reforms began to run into trouble in 1982, Mitterrand's popularity and his presidential authority also started to suffer. This prompted the socialist President to distance himself increasingly from party politics by granting greater autonomy to Premier Fabius and focusing his attention on consensus-building areas such as foreign affairs and defence. As a result, we have argued that he was able to shift the balance of factors shaping his presidential authority away from political variables towards the personal and constitutional variables which formed the basis of his power under cohabitation.

Our study has also discussed the way in which the personality and private agenda of each incumbent influenced their exercise of presidential power. In de Gaulle's case, the personal was invariably powerful enough to allow him to override other factors determining presidential power and lay claim to prerogatives that had no real constitutional basis or political justification. Furthermore, we have shown how de Gaulle's strong, charismatic leadership style had a lasting impact upon the political behaviour and discourse of his successors, who sought to perpetuate the quasi-mythical status of the presidency as a means of enhancing their legitimacy in the eyes of the electorate. This was less true of Pompidou whose presidential image owed a great deal to his role as de Gaulle's able Premier between 1962-8. Our study of Mitterrand's discourse both in opposition and at the beginning of his first mandate, however, is particularly interesting in this respect, since it clearly shows how Mitterrand was able to use language to construct his image as the embodiment of modern French socialism. This lent his candidature and presidential victory in 1981 a visionary quality, which served to enhance Mitterrand's personal authority. Thanks to the flexibility of French presidentialism, Mitterrand was then able to re-shape his image in time for cohabitation in order to launch himself into a new role as the experienced elder statesman and supreme national guide.

In addition to these constitutional, political and personal variables, we have also examined the way in which circumstantial factors affect presidential power. De Gaulle's dramatic return to the political arena to found the Fifth Republic, for instance, can only be understood in the

context of the Algerian crisis and against the backdrop of an unstable parliamentary regime. Without such an extreme political situation and compliant personnel, like Fourth Republican President, René Coty, it is doubtful whether de Gaulle would have had the opportunity to re-enter politics, let alone justify drafting a new Constitution. In our study, we have looked at numerous examples of unexpected economic, political and social events which forced the Head of State to modify his exercise of power in ways he had not originally envisaged. In chapter 2, we saw how de Gaulle decided to adopt a very low profile during the student protests of May 1968 and allow the Prime Minister to deal with the crisis. In the long run, this proved to be an effective strategy; not only did it enhance Premier Pompidou's image as a capable negotiator, it also boosted de Gaulle's political support as the public tired of the protest movement and returned a landslide Gaullist majority in the 1968 parliamentary elections. The unpredictable nature and timing of these conjunctural factors invariably means that they do not always serve to bolster presidential authority, but may also constitute a substantial threat to the Head of State's power base. In chapter 4, for example, we showed how the economic U-turn of 1983, followed by the demonstrations against the Savary Bill in 1984, brought about a significant drop in public support for Mitterrand's presidential leadership.

Our study has thus revealed that presidentialism is an ambivalent concept which is shaped by the interaction of four fundamental variables. But whilst all the factors influencing presidential power are important under each presidency, we have seen how their relative importance may change from one phase of the presidency to the next. In 1981, for instance, we argued that political factors were paramount in determining Mitterrand's power, whereas during cohabitation personal and constitutional factors were generally seen to play a more influential role. What this study has shown, therefore, is that the way in which Presidents exercise power will differ according to the unique set of conditions under which each presidency operates.

It is precisely this inability to impose a fixed definition on French presidentialism which has given rise to such dispute and debate amongst political commentators and constitutional

analysts. For whilst it is tempting to see presidentialism as the over-concentration of power in the hands of the Head of State or, as Michel Debré once put it: '*le fait que le Président de la République s'occupe de trop de choses*', we have shown that this does not fit with our experience of presidential power during cohabitation.¹ Nor could we agree with Luchaire and Conac's argument that presidentialism represents '*l'effet d'une longue conjoncture violant les réalités structurelles du régime institué par la Constitution de 1958*'; our analysis of the constitutional text and drafting process concluded that the presidential role is open to contrasting interpretations, so it is impossible to establish exactly what these '*réalités structurelles*' really are.² Therefore, although commentators are right to identify 'presidentialism' as the primary characteristic of the Fifth Republic, the thesis has shown that this a complex and shifting notion, dependent upon the interaction of various constitutional, political, personal and circumstantial factors specific to each presidency. As a result, we are required to re-interpret our understanding of presidentialism under the Fifth Republic with each new President and/or set of legislative elections.

Presidentialism after 1988

Following Mitterrand's presidential victory in 1988, one might reasonably have assumed that the redistribution of executive responsibilities which occurred under cohabitation might become an enduring feature of the Fifth Republic. This was certainly the view held by constitutional analyst, Jean Gicquel, who predicted that the experience of cohabitation would have a lasting impact upon the balance of power within the regime.³ There is clearly some truth in this claim - cohabitation certainly showed that the President could fulfil a more symbolic function without renouncing his institutional supremacy – proving that the kind of presidency envisaged by the members of the CCC in 1958 was indeed possible and, judging by Mitterrand's popularity during this period, highly desirable. Nevertheless, it did not permanently alter the presidential role: once re-elected, Mitterrand quickly returned to the interventionist practices which had characterised his first five years in office.

Unlike the period 1981-86, however, when Mitterrand's control over executive decision-making had been clearly visible, his re-appropriation of these prerogatives in 1988 was less effective and resulted in an increasingly Olympian style of presidency. During his second mandate Mitterrand appeared rather autocratic and out-of-touch with the French electorate. This image was not helped by revelations of the President's dubious political affiliations during the 1940s, nor by failing health, which forced Mitterrand to reduce his public engagements to such an extent that, by the end of his fourteen years in office, he was perceived as a remote figure who had been in power for too long.⁴

Yet the fact that Mitterrand left the presidency on a more ceremonial footing in 1995 does not imply that his successor found the presidency fundamentally changed. Our discussion of the way in which presidential power was exercised differently by successive Heads of State has shown that, thanks to the ambivalence of constitutional guidelines, each President inherits a skeletal framework of powers which may be enhanced by the effective exploration of the political, personal and circumstantial factors specific to his mandate. Mitterrand's experience in office is no exception; for in spite of his exploration of the plenitude and restrictions of presidential power, it may be said that he left the French presidency much the same as he found it – flexible, ambiguous and fundamentally resilient – ready to be shaped by his successor to the Elysée.

It should, however, be pointed out that the primacy of presidential power under the Fifth Republic has, until now, been made possible by the absence of technical changes to the constitutional blueprint since the introduction of universal suffrage in 1962.⁵ For although the notion of a more equal distribution of power between the executive and the legislative was a constant theme in Mitterrand's discourse between 1958 and 1995, none of the constitutional reforms likely to bring about such a change were among the lasting legacies of his presidency. One of the original '110 propositions', which formed the basis of Mitterrand's government programme in 1981, for instance, called for a reduction of the presidential mandate from seven to five years. This, it was claimed, would bring about a fairer distribution of executive power and prevent the President from acquiring a quasi-monarchical status

within the regime. Nevertheless, this idea was never actively pursued by Mitterrand, despite the fact that he had fourteen years in power to try and effect such a change which, surveys consistently showed, had overwhelming public support.⁶ In this respect, one must agree with Cole when he wryly asserts that, 'whatever his [Mitterrand's] discourse in opposition, the Gaullien model of presidential supremacy proved too seductive to be seriously challenged'.⁷

Shifts in the balance of power during the current period of cohabitation between President Chirac and Premier Jospin have since provided precisely the conditions necessary for Jospin to put into action that which Mitterrand had only ever put into words. On 24 September 2000, a referendum was held to decide whether the much-maligned septennate should be replaced by a five-year presidential term (*le quinquennat*). Despite a disappointingly low turnout, over 73% of votes cast were in favour of bringing the presidential mandate in line with that of Parliament.⁸

Far from bringing an end to the presidential debate, however, the introduction of the *quinquennat* has so far only served to renew speculation and discussion about the Head of State's role within French political culture. One only has to look at the range of reactions to this reform in the run-up to the referendum to understand the contrasting interpretations to which it gives rise. Whilst the vast majority of commentators agree that the *quinquennat* will have some impact upon presidential power under the Fifth Republic, they disagree significantly about the form that this will take. On the one hand, supporters of a presidential interpretation of the Constitution, like Jean-Louis Debré, see the introduction of the *quinquennat* as a means of strengthening presidential authority over government decision-making: '*le quinquennat renforcera la légitimité du Président de la République tout en évitant deux dérives, le régime présidentiel et le régime parlementaire. Le quinquennat, en harmonie avec ce qu'ont voulu les constitutionnalistes de 1958, fera du chef de l'Etat véritablement l'organe central de nos institutions*'.⁹ On the other hand, opponents of the reform have warned that it could have precisely the opposite effect by substantially weakening the presidency: '*le passage au quinquennat recèle deux risques: celui d'une dérive vers le régime présidentiel ou le régime des partis et, contrairement à ce qu'on peut entendre dire, cela ne*

*réduira pas le risque de cohabitation, mais un rapetissement du Président de la République, clé de voûte des institutions’.*¹⁰

Just how this reduction in the President's term of office will alter the balance of power within the regime remains to be seen; only the future will tell whether a five-year mandate will bring about a clearer definition of the presidential role. What seems certain, however, is that the debate itself is unlikely to lose momentum. With Premier Jospin promising further constitutional amendments to modernise France's institutions,¹¹ the nature and limits of presidential power under the Fifth Republic are set to remain at the forefront of political and constitutional debates for the foreseeable future.

Notes to the Conclusion

¹ Debré, 'L'exercice du pouvoir', p.93.

² Luchaire & Conac, *Le Droit constitutionnel de la cohabitation*, p.6.

³ Jean Gicquel, 'De la cohabitation', *Pouvoirs*, 49 (1989), 69-79 (p.69).

⁴ See Pierre Péan, *Une Jeunesse française: François Mitterrand 1934-1947* (Paris: Fayard, 1994).

⁵ It should be acknowledged that the Constitution was amended in 1992 in order to accommodate France's signature of the Maastricht treaty. In theory, these changes could drain away some presidential power through the development of transnational institutions. In practice, however, they have had little perceivable impact upon the President's power base. It could also be argued that Mitterrand's deep commitment to the process of European integration added a new dimension to the presidential '*domaines réservés*', which would compensate for any devolution of executive decision-making power to supranational bodies.

⁶ René Rémond, *La politique n'est plus ce qu'elle était* (Paris: Calman-Lévy, 1993) p.141.

⁷ Cole, *François Mitterrand*, p.100.

⁸ See 'Quinquennat: abstentions, record battu', *Le Monde*, 26 September 2000, p.1-7.

⁹ Jean-Louis Debré cited in 'Quinquennat, ils ont dit....', *Libération*, 8 June 2000, p.1.

¹⁰ *Ibid.*,

¹¹ See Lionel Jospin cited in *Le Monde*, 26 September 2000, p.1.

METHODOLOGICAL APPENDIX

In order to trace the development of presidentialism under the Fifth Republic from 1958-1988, we have consulted a wide range of primary and secondary textual sources.

Primary sources

Having identified the 1958 Constitution as the operative variable for this study, our selection of source material has been largely determined by the need to relate the evolution of presidential power under the regime back to the constitutional text and the intentions of those involved in the drafting process. Our study begins, therefore, with an examination of the Constitution itself, the texts on which it was based and the three-volume *Travaux Préparatoires*, which document the official discussions that took place at each stage of the drafting process.

The thesis then draws upon the writings and speeches of de Gaulle and Mitterrand to trace their evolving interpretations of presidential power. De Gaulle's *Discours et messages* between 1940 and 1969 have been published in five chronological volumes by Plon, whilst extracts from Mitterrand's key speeches and press conferences between 1958 and 1981 may be found in two volumes entitled *Politiques I* and *II* published by Fayard. During his years in opposition, Mitterrand also produced seven books discussing his career - past, present and future, his political beliefs and values and his personal aspirations. Although some of these works are more overtly 'party political' than others,¹ all of them, with the exception of *Ma part de vérité* (1969), deal to some extent with the nature and limits of presidential power. In the absence of a single volume or volumes bringing together Mitterrand's speeches, press conferences and interviews from his first septennate, we were obliged to consult sources citing these texts (in full or in part), such as the *Le Monde* archive in the University of Warwick Library, the three-monthly *Chronique constitutionnelle* compiled by Pierre Avril and Jean Gicquel for the review *Pouvoirs* and the yearly summary of French politics provided by *L'Année politique*.

Our understanding of Mitterrand's exercise of presidential power also benefited greatly from the first-hand accounts of his former colleagues Louis Mermaz and Claude Cheysson, who were interviewed by the author in Paris during the summer of 1999. As a staunch *Mitterrandiste* throughout the 1970s and President of the National Assembly between 1981 and 1986, Louis Mermaz was well-placed to discuss the relationship between Mitterrand and the Socialist Party both in opposition and in office. Claude Cheysson, on the other hand, was a diplomat whose experience and strength of personality brought interesting new dimensions to the traditionally presidential area of Foreign Affairs. Of course, it must be acknowledged that both men were concerned with projecting a certain interpretation of events which cast them in the best possible light. Nevertheless, the fact that neither had agreed the author's questions in advance enabled her to lead the discussion and to press both interviewees to justify their responses, producing some very interesting and insightful comments. We also approached Camille Cabana, Jacques Chirac's Minister for Privatisation, who agreed to answer a questionnaire focusing on the relationship between the President and government during cohabitation. Unsurprisingly Cabana was rather critical of Mitterrand's exercise of presidential power between 1986-88, but he nevertheless acknowledged the extent to which presidential intervention did successfully hamper some aspects of government action during this period.

Secondary sources

The thesis also draws on a variety of secondary sources which examine the evolution of presidentialism under the regime. Arguably the most important secondary material for the purposes of our study is provided by constitutional lawyers such as Didier Maus, François Goguel and Jean Giquel, who seek to analyse the exercise of presidential power within the framework of reference provided by the Constitution. We have shown, however, that the Constitution alone does not determine the way in which presidential power is exercised by the Head of State. As a result, we have also consulted a range of additional secondary literature, which highlights the importance of political, personal and circumstantial factors in determining the level of power available to the President. Amongst these books and articles we may include

the work of meticulous biographers like Jean Lacouture, Pierre Favier and Michel Martin Roland, political analysts such as Olivier Duhamel and leading political commentators like Pierre Vianson-Ponté. Finally, the study has examined a selection of opinion polls conducted by SOFRES during the Mitterrand presidency in order to take account of the role played by public opinion in influencing the scope and nature of presidential action.

Notes

¹ In particular, *Le Socialisme du possible* (1971) and *La Rose au poing* (1973).

APPENDIX I

Presidents and Prime Ministers of the Fifth Republic 1958-1988

Presidents

Charles de Gaulle	8 January 1959 to 28 April 1969 (resigned following referendum)
Georges Pompidou	20 June 1969 to 2 April 1974 (deceased)
Valéry Giscard d'Estaing	21 June 1974 to 21 May 1981 (defeated in presidential election)
François Mitterrand	21 May 1981 – (successfully re-elected in 1988)

Prime Ministers

Michel Debré	From 8 January 1959
Georges Pompidou	From 14 April 1962
Maurice Couve de Murville	From 10 July 1968
Jacques Chaban-Delmas	From 20 June 1969
Pierre Mesmer	From 5 July 1972
Jacques Chirac	From 27 May 1974
Raymond Barre	From 25 August 1976
Pierre Mauroy	From 21 May 1981
Laurent Fabius	From 17 July 1984
Jacques Chirac	From 20 March 1986

APPENDIX II

Interview with Louis Mermaz, 6 July 1999.

Questions

1. Dans quelle mesure, selon vous, les rapports entre M. Mitterrand et le parti socialiste ont-ils été transformés par l'élection de M. Mitterrand à la présidence de la République?
2. Entre 1981 et 1986 le parti socialiste et la majorité parlementaire socialiste peuvent-ils être considérés comme un bloc homogène de soutien du Président de la République ou remplissaient-ils des fonctions différentes par rapport à l'exécutif?
3. Il me semble qu'au début du mandat présidentiel de M. Mitterrand, le parti socialiste jouait le rôle de censeur idéologique dont les interventions visaient surtout à faire en sorte que les actions du gouvernement ne s'écartaient pas des promesses électorales. Partagez-vous cette opinion?
4. Sur l'orientation de la politique nationale entre 1981 et 1986, le PS jouissait-il d'une influence plus importante que celle du gouvernement?
5. L'épreuve de la rigueur économique a-t-elle rendu plus tendus les rapports entre le parti, la majorité socialiste et le Président?
6. Vu que certains membres du gouvernement (y compris le Premier ministre Pierre Mauroy) n'étaient pas très favorables à la loi <<anti-Hersant>>, peut-on interpréter la décision de M. Mitterrand de poursuivre cette politique comme un geste d'apaisement envers le parti déçu par la réorientation de la politique économique du gouvernement?
7. Selon votre expérience en tant que Président de l'Assemblée nationale entre 1981 et 1986, des politologues ont-ils raison de conclure qu'au cours de cette période M. Mitterrand a vraiment commencé un processus de 'dépolitisation' au sein du parti socialiste?
8. Il y a ceux qui ont accusé François Mitterrand d'avoir créé un gouvernement bis à l'Elysée en forme de conseillers personnels. A votre avis, ont-ils raison de lancer de telles accusations contre le Président? Y avait-il des domaines où le parti se trouvait largement exclu du processus de décision, je pense évidemment aux domaines dits <<réservés>> de la défense et de la diplomatie?
9. Au cours de cette période la majorité s'est toujours ralliée à la position présidentielle sur des questions politiques importantes. A part le refus de voter un texte à l'Assemblée nationale, ce qui aurait été peu concevable, quels moyens le parti et la majorité avaient-ils à leur disposition pour contester ou simplement pour montrer leur désapprobation à l'égard de certaines décisions prises à l'Elysée?

10. L'expérience de la première cohabitation a-t-elle provoqué un rapprochement entre le parti socialiste et le Président de la République ou est-ce que l'on peut parler d'éloignement dès cette époque par rapport à François Mitterrand?
11. Nous avons parlé des rapports entre le parti et M. Mitterrand suite à la victoire de la gauche en 1981, mais il paraît clair que même avant son élection comme Président de la République, M. Mitterrand avait déjà réussi à 'présidentialiser' le PS. Que pensez-vous de la manière dont M. Mitterrand a dirigé le parti pendant les années 70?
12. N'était-il pas difficile pour un mouvement qui avait toujours rejeté l'idée de la personnalisation du pouvoir d'admettre une telle évolution, c'est-à-dire la domination du parti par M. Mitterrand et ses fidèles?
13. Que diriez-vous à ceux qui prétendent que M. Mitterrand a encouragé la rivalité entre les différentes factions existant à l'intérieur du parti socialiste afin de consolider son autorité en tant que Premier secrétaire?

APPENDIX III

Interview with Claude Cheysson, 6 September 1999.

Questions

1. Tout en acceptant l'invitation de François Mitterrand de devenir membre de son gouvernement en 1981, vous l'avez persuadé de rebaptiser votre ministère '*le ministère des Relations Extérieures*'. Quelle était la signification de ce changement?
2. Lors de votre nomination aviez-vous l'intention de restaurer un peu les prérogatives antérieures du ministère, c'est-à-dire jouer un rôle plus important dans la conception de la politique extérieure? Avez-vous réalisé ce but?
3. Dans son livre, Hubert Védrine affirme qu'au début de son premier mandat François Mitterrand n'a pas osé imposer son choix personnel au Quai d'Orsay, mais il a accepté votre nomination connaissant votre bonne réputation en tant que diplomate expérimenté. Le fait que vous n'étiez pas un de ses proches (ou ses fidèles au PS) en 1981, vous a-t-il garanti plus d'indépendance vis-à-vis de l'influence présidentielle sur les affaires étrangères?
4. Il me semble que votre détermination de jouer pleinement votre rôle au sein du gouvernement (sans trop d'ingérence présidentielle), vous a parfois mené à exprimer des opinions qui n'avaient pas reçu l'approbation de François Mitterrand ou à outrepasser des directives présidentielles. Comment le Président de la République a-t-il réagi à vos propos ou vos actions dans ces cas?
5. Le Président aurait pu vous contraindre à démissionner suite à ces controverses, pourtant vous êtes resté en fonctions pendant trois ans. Comment expliqueriez-vous votre longévité au Quai d'Orsay?
6. Jean Lacouture maintient que François Mitterrand et vous ne pouviez fonctionner qu'en harmonie à propos de l'Europe et des rapports Est-Ouest. Il est vrai que sur plusieurs questions importantes, il y avait une divergence de vues entre vous et le Président de la République. Avez-vous toujours pu surmonter ces différences d'opinion?
7. Croyez-vous qu'il faut une certaine convergence de vues entre le Président et le Ministre des Affaires Etrangères pour assurer la cohérence et le bon fonctionnement de ce domaine?
8. La nomination de Roland Dumas comme Ministre des Affaires Etrangères en 1984 signifiait-elle une reprise en main de ce domaine par le Président de la République?
9. Il y a ceux qui ont accusé François Mitterrand d'avoir créé une <<diplomatie parallèle>> à l'Elysée en forme de conseillers et d'ambassadeurs personnels. A votre avis, ont-ils raison de lancer de telles accusations contre le Président?

10. Y'avait-il des cas où vous aviez l'impression que ces conseillers présidentiels empiétaient sur votre territoire en tant que Ministre des Relations Extérieures?
Je pense évidemment à des gens comme Jacques Attali, Hubert Védrine et Jean-Louis Bianco?
11. J'ai souvent entendu parlé du style Mitterrand qui consistait à encourager, (de façon subtile), la concurrence entre les membres de son entourage. Etiez-vous conscient d'un tel climat de rivalité entre ministres et conseillers présidentiels entre 1981 et 1984?
12. Quel était le rôle du Premier ministre dans le domaine des Affaires étrangères?
13. Dans la lettre que vous m'avez écrite il y a trois mois, vous avez faite une distinction entre votre expérience en tant que Ministre des Relations Extérieures et celle de vos successeurs au Quai d'Orsay, surtout ceux qui ont occupé le ministère pendant les périodes de cohabitation. Selon vous, quelles ont été les conséquences de la cohabitation sur le pouvoir présidentiel dans le domaine des Affaires étrangères?
14. Je m'intéresse surtout au premier mandat de François Mitterrand, donc je me suis concentrée sur une analyse de la première période de cohabitation seulement. A votre avis, Jacques Chirac a-t-il réussi à transformer les domaines réservés en domaines partagés entre 1986 et 1988?
15. La cohabitation pourrait-elle être dangereuse pour la cohérence de la politique étrangère?
16. Certains politologues ont comparé le style et les choix politiques de François Mitterrand dans le domaine de la politique extérieure avec ceux de de Gaulle. Partagez-vous cette impression?

APPENDIX IV

Questionnaire for Camille Cabana, 29 June 1999.

1. Quelle était la nature des relations que vous entreteniez avec l'Elysée entre 1986 et 1988?
2. En tant que délégué auprès du ministre de l'Economie et des Finances chargé de la privatisation, avez-vous anticipé le refus du Président de la République de signer les ordonnances de la privatisation?
3. En juillet 1986 M. Mitterrand a expliqué ce refus en raison de son rôle comme protecteur des acquis sociaux. Il a accusé le gouvernement de vouloir vendre "une partie du patrimoine national" aux intérêts étrangers. Quelle était votre réaction et celle du gouvernement à cette démarche présidentielle?
4. Selon les recherches de Catherine Nay vous êtes personnellement intervenu en Conseil des ministres afin de rappeler au Président le fait que depuis 1982 des ministres socialistes avaient vendu à l'étranger des filiales d'entreprises nationales. Comment le Président a-t-il réagi à vos remarques?
5. A l'époque de la crise des ordonnances tout un débat se déroulait sur le rôle institutionnel et les prérogatives constitutionnelles du Président de la République face à une majorité parlementaire opposée. A votre avis M. Mitterrand était-il dans son bon droit de refuser sa signature aux ordonnances?
6. Grâce à ce pouvoir qu'on pourrait appeler " discrétionnaire", M. Mitterrand a-t-il vraiment réussi à entraver l'action du gouvernement ou considérez-vous que ses actions étaient plutôt vides de poids politique, mais simplement conçues pour mettre en valeur l'image qu'il cultivait de "garant de la cohésion nationale"?
7. Personne ne peut contester le pouvoir de dissolution du Président de la République. Le gouvernement a-t-il pris au sérieux les menaces proférées par M. Mitterrand de dissoudre l'Assemblée nationale avant les élections présidentielles de 1988?
8. Pourrait-on dire que la période 1986-88 a vu la mise en œuvre de l'interprétation parlementaire de la Constitution, à savoir celle préconisée par les membres du Comité constitutionnel consultatif?
9. Dans l'ensemble, croyez-vous que la première cohabitation a eu des conséquences permanentes sur le fonctionnement du régime politique en France ou n'était-elle qu'une parenthèse qui n'aurait pas changé la tendance présidentielle de la Cinquième République?
10. L'expérience de la cohabitation a-t-elle modifié votre jugement sur M. Mitterrand?

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